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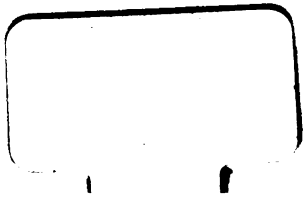

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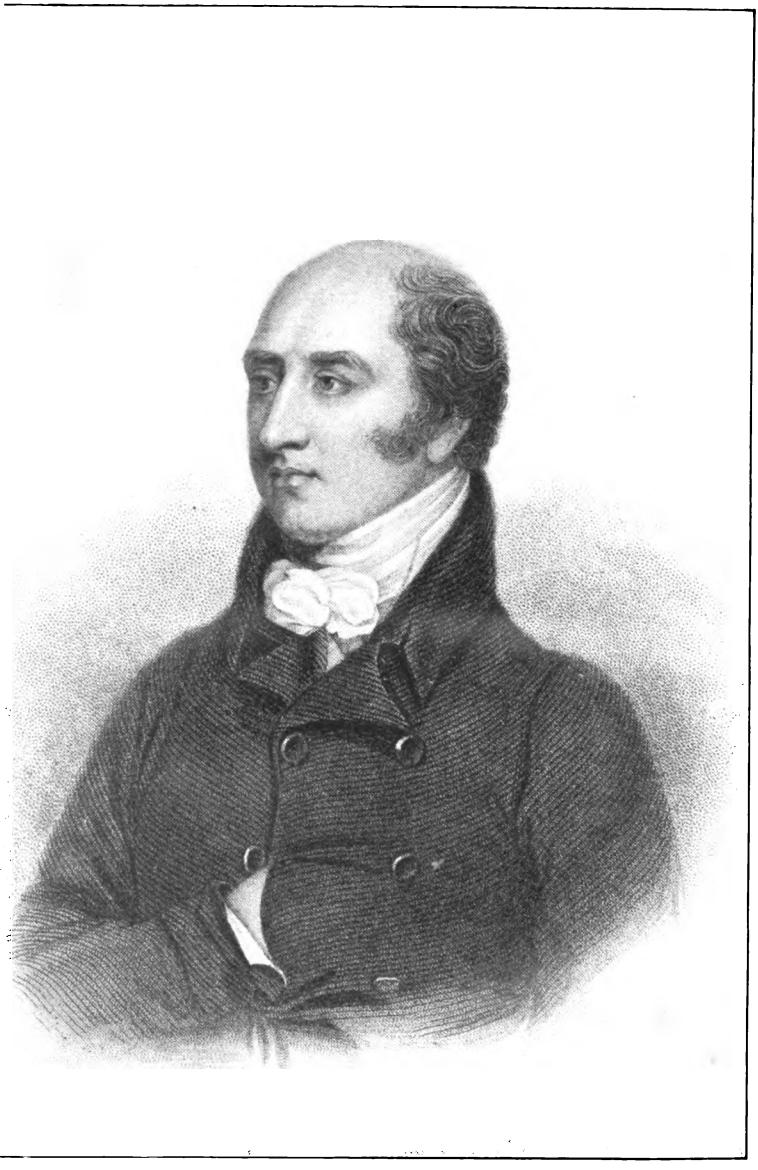

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MASTERPIECES OF ELOQUENCE

FAMOUS ORATIONS OF GREAT WORLD LEADERS FROM EARLY GREECE TO THE PRESENT TIME

EDITED BY

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IN TWENTY-FIVE VOLUMES

VOLUME IX

ROOT G MAS

NEW YORK
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ORATIONS

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BARNAVE

ANTOINE PIERRE JOSEPH MARIE BARNAVE was born at Grenoble in Dauphiny, October 22, 1761. He studied law, and, at the age of twenty-two, made himself favorably known by a discourse pronounced before the local Parliament on the Division of Political Powers. On May 5, 1789, the States-General were convoked at Versailles, and Barnave was chosen deputy of the Tiers État for his native province. Aside from Mirabeau, to whom, on several occasions, he was opposed, Barnave was the most powerful orator of the National Assembly. After the fall of the Bastille, he advocated the suspensive veto, the system of two Chambers and the establishment of trial by jury in civil causes. In 1790, Barnave became President of the Assembly. On the arrest of the king and the royal family at Varennes, Barnave was one of the three appointed to conduct them back to Paris. His public career came to an end in 1792 with the close of the Constituent Assembly. Shortly afterward he was arrested and imprisoned on suspicion of being in sympathy with the royal family. He was transferred to Paris in 1793, and died by the guillotine on the 30th of November of that year.

REPRESENTATIVE DEMOCRACY AGAINST MAJORITY ABSOLUTISM

DELIVERED IN THE NATIONAL ASSEMBLY, AUGUST 22, 1791

IT IS not enough to desire to be free—one must know how to be free. I shall speak briefly on this subject, for after the success of our deliberations, I await with confidence the spirit and action of this Assembly. I only wish to announce my opinions on a question, the rejection of which would sooner or later mean the loss of our liberties. This question leaves no doubt in the minds of those who reflect on governments and are guided by impartial

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judgments. Those who have combated the committee have made a fundamental error. They have confounded democratic government with representative government; they have confounded the rights of the people with the qualifications of an elector, which society dispenses for its well understood interest. Where the government is representative, where there exists an intermediary degree of electors, society, which elects them, has essentially the right to determine the conditions of their eligibility. There is one right existing in our constitution, that of the active citizen, but the function of an elector is not a right. I repeat, society has the right to determine its conditions. Those who misunderstand the nature as they do the advantages of representative government, remind us of the governments of Athens and Sparta, ignoring the differences that distinguish them from France, such as extent of territory, population, etc. Do they forget that they interdicted representative government? Have they forgotten that the Lacedemonians had the right to vote in the assemblies only when they held helots? And only by sacrifice of individual rights did the Lacedemonians, Athenians, and Romans possess any democratic governments! I ask those who remind us of them, if it is at such government they would arrive? I ask those who profess here metaphysical ideas, because they have no practical ideas, those who envelop the question in clouds of theory, because they ignore entirely the fundamental facts of a positive government—I ask is it forgotten that the democracy of a portion of a people would exist but by the entire enslavement of the other portion of the people? A representative government has but one evil to fear, that of corruption. That such a government shall be good, there must be guaranteed the

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purity and incorruptibility of the electorate. This body needs the union of three eminent guarantees. First, the light of a fair education and broadened views. Second, an interest in things, and still better if each had a particular and considerable interest at stake to defend. Third, such condition of fortune as to place the elector above attack from corruption.

These advantages I do not look for in the superior class of the rich, for they undoubtedly have too many special and individual interests, which they separate from the general interests. But if it is true that we must not look for the qualifications of the pure elector among the eminently rich, neither should I look for it among those whose lack of fortune has prevented their enlightenment; among such, unceasingly feeling the touches of want, corruption too easily can find its means. It is, then, in the middle class that we find the qualities and advantages I have cited. And, I ask, is it the demand that they contribute five to ten francs that causes the assertion that we would throw elections into the hands of the rich? You have established the usage that the electors receive nothing; if it were otherwise their great number would make an election most expensive. From the instant that the voter has not means enough to enable him to sacrifice a little time from his daily labor, one of three things would occur. The voter would absent himself, or insist on being paid by the State, else he would be rewarded by the one who wanted to obtain his suffrage. This does not occur when a comfortable condition is necessary to constitute an elector. As soon as the government is established, when the constitution is guaranteed, there is but a common interest for those who live on their property, and those who toil honestly. Then can be

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distinguished those who desire a stable government and those who seek but revolution and change, since they increase in importance in the midst of trouble as vermin in the midst of corruption.

If it is true, then, that under an established constitutional government all its well-wishers have the same interest, the power of the same must be placed in the hands of the enlightened who can have no interest pressing on them, greater than the common interest of all the citizens. Depart from these principles and you fall into the abuses of representative government. You would have extreme proverty in the electorate and extreme opulence in the legislature. You would see soon in France what you see now in England, the purchase of voters in the boroughs not with money even, but with pots of beer. Thus incontestably are elected many of their parliamentary members. Good representation must not be sought in either extreme, but in the middle class. The committee have thus placed it by making it incumbent that the voter shall possess an accumulation the equivalent of, say forty days of labor. This would unite the qualities needed to make the elector exercise his privilege with an interest in the same. It is necessary that he own from one hundred and twenty to two hundred and forty livres, either in property or chattels. I do not think it can seriously be said that this qualification is fixed too high, unless we would introduce among our electors men who would beg or seek improper recompense.

If you would have liberty subsist do not hesitate because of specious arguments which will be presented to you by those who, if they reflect, will recognize the purity of our intentions and the resultant advantages of our plans. I add to what I have already said that the system will diminish

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many existing inconveniences, and the proposed law will not have its full effect for two years. They tell us we are taking from the citizen a right which elevated him by the only means through which he can acquire it. I reply that if it was an honor the career which you will open for them will imprint them with character greater and more in conformity with true equality. Our opponents have not failed either to magnify the inconveniences of changing the constitution. Nor do I desire its change. For that reason we should not introduce imprudent discussions to create the necessity of a national convention. In one word, the advice and conclusions of the committee are the sole guarantees for the prosperity and peaceable condition of the nation.

COMMERCIAL POLITICS

COMMERCE forms a numerous class, friends of external peace and internal tranquillity, who attach themselves to the established government.

It creates great fortunes, which in republics become the origin of the most forceful aristocracies. As a rule commerce enriches the cities and their inhabitants, and increases the laboring and mechanical classes, in opening more opportunities for the acquirement of riches. To an extent it fortifies the democratic element in giving the people of the cities greater influence in the government. It arrives at nearly the same result by impoverishing the peasant and landowner, by the many new pleasures offered him and by displaying to him the ostentation and voluptuousness of luxury and ease. It tends to create bands of mercenaries rather than those capable of worthy personal

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service. It introduces into the nation luxury, ease, and avarice at the same time as labor.

The manners and morals of a commercial people are not the manners of the merchant. He individually is economical, while the general mass are prodigal. The individual merchant is conservative and moral, while the general public are rendered dissolute.

The mixture of riches and pleasures which commerce produces, joined to freedom of manners, leads to excesses of all kinds, at the same time that the nation may display the perfection of elegance and taste that one noticed in Rome, mistress of the world, or in France before the Revolution. In Rome the wealth was the inflow of the whole world, the product of the hardiest ambition, producing the deterioration of the soldier and the indifference of the patrician. In France the wealth was the accumulation of an immense commerce and the varied labors of the most industrious nation on the earth diverted by a brilliant and corrupt court, a profligate and chivalrous nobility, and a rich and voluptuous capital.

Where a nation is exclusively commercial, it can make an immense accumulation of riches without sensibly altering its manners. The passion of the trader is avarice and the habit of continuous labor. Left alone to his instincts he amasses riches to possess them, without designing or knowing how to use them. Examples are needed to conduct him to prodigality, ostentation, and moral corruption. As a rule the merchant opposes the soldier. One desires the accumulations of industry, the other of conquest. One makes of power the means of getting riches, the other makes of riches the means of getting power. One is disposed to be economical, a taste due to his labor. The

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other is prodigal, the instinct of his valor. In modern monarchies these two classes form the aristocracy and the democracy. Commerce in certain republics forms an aristocracy, or rather an "extra aristocracy in the democracy." These are the directing forces of such democracies, with the addition of two other governing powers, which have come in, the clergy and the legal fraternity, who assist largely in shaping the course of events.

ORATION FOR THE CROWN

THE French nation has just undergone a violent shock; but if we are to believe all the auguries which are delivered, this recent event, like all others which have preceded it, will only serve to advance the period, to confirm the solidity of the revolution we have effected. I will not dilate on the advantages of monarchical government; you have proved your conviction by establishing it in your country; I will only say that every government, to be good, should comprise within itself the principle of its stability; for otherwise instead of prosperity there would be before us only the perspective of a series of changes. Some men, whose motives I shall not impugn, seeking for examples to adduce, have found, in America, a people occupying a vast territory with a scanty population, nowhere surrounded by very powerful neighbors, having forests for their boundaries, and having for customs the feelings of a new race, and who are wholly ignorant of those factitious passions and impulses which effect revolutions of government. They have seen a republican government established in that land, and have thence drawn the conclusion that a similar government was suitable

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for us. These men are the same who at this moment are contesting the inviolability of the king. But if it be true that in our territory there is a vast population spread,—if it be true that there are amongst them a multitude of men exclusively given up to those intellectual speculations which excite ambition and the love of fame,—if it be true that around us powerful neighbors compel us to form but one compact body in order to resist them,—if it be true that all these circumstances are irresistible, and are wholly independent of ourselves, it is undeniable that the sole existing remedy lies in a monarchical government. When a country is populous and extensive, there are—and political experience proves it—but two modes of assuring to it a solid and permanent existence. Either you must organize those parts separately—you must place in each section of the empire a portion of the government, and thus you will maintain security at the expense of unity, strength, and all the advantages which result from a great and homogeneous association—or else you will be forced to centralize an unchangeable power, which, never renewed by the law, presenting incessantly obstacles to ambition, resists with advantage the shocks, rivalries, and rapid vibrations of an immense population, agitated by all the passions engendered by long-established society. These facts decide our position. We can only be strong through a federative government, which no one here has the madness to propose, or by a monarchical government, such as you have established; that is to say, by confiding the reins of the executive power to a family having the right of hereditary succession. You have intrusted to an inviolable king the exclusive function of naming the agents of his power, but you have made those agents responsible. To be independent the king must be inviolable: do not let us set aside this axiom. We have never failed to observe this

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as regards individuals; let us regard it as respects the monarch. Our principles, the constitution, the law, declare that he has not forfeited *(qu'il n'est pas déchu)*; thus, then, we have to choose between our attachment to the constitution and our resentment against an individual. Yes; I demand at this moment from him amongst you all, who may have conceived against the head of the executive power prejudices however strong and resentment however deep; I ask at his hands whether he is more irritated against the king than he is attached to the laws of his country? I would say, to those who rage so furiously against an individual who has done wrong,—I would say, Then you would be at his feet if you were content with him? Those who would thus sacrifice the constitution to their anger against one man seem to me too much inclined to sacrifice liberty from their enthusiasm for some other man; and since they love a republic it is indeed the moment to say to them, What! would you wish a republic in such a nation? How is it you do not fear that the same variableness of the people which to-day manifests itself by hatred may on another day be displayed by enthusiasm in favor of some great man?—enthusiasm even more dangerous than hatred; for the French nation, you know, understands better how to love than to hate. I neither fear the attacks of foreign nations nor of emigrants; I have already said so; but I now repeat it with the more truth, as I fear the continuation of uneasiness and agitation, which will not cease to exist and affect us until the revolution be wholly and pacifically concluded. We need fear no mischief from without; but vast injury is done to us from within, when we are disturbed by painful ideas—when chimerical dangers, excited around us, create with the people some consistency and some credit for the men who use them as a means of unceasing agitation. Immense damage is done to

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us when that revolutionary impetus which has destroyed everything there was to destroy, and which has urged us to the point where we must at last pause, is perpetuated. If the revolution advance one step further it cannot do so without danger. In the line of liberty, the first act which can follow is the annihilation of royalty; in the line of equality, the first act which must follow is an attempt on all property. Revolutions are not effected with metaphysical maxims—there must be an actual tangible prey to offer to the multitude that is led astray. It is time, therefore, to end the revolution. It ought to stop at the moment when the nation is free and when all Frenchmen are equal. If it continue in trouble it is dishonored, and we with it; yes, all the world ought to agree that the common interest is involved in the close of the revolution. Those who have lost ought to perceive that it is impossible to make it retrograde. Those who fashioned it must see that it is at its consummation. Kings themselves—if from time to time profound truths can penetrate to the councils of kings—if occasionally the prejudices which surround them will permit the sound views of a great and philosophical policy to reach them—kings themselves must learn that there is for them a wide difference between the example of a great reform in the government and that of the ambition of royalty; that if we pause here, where we are, they are still kings! but be their conduct what it may, let the fault come from them and not from us. Regenerators of the empire! follow straightly your undeviating line; you have been courageous and potent—be to-day wise and moderate. In this will consist the glorious termination of your efforts. Then, again returning to your domestic hearths, you will obtain from all, if not blessings, at least the silence of calumny.

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COBBETT

WILLIAM COBBETT, journalist, publisher, and political writer, was born at Farnham, in Surrey, on March 9, 1762. He was of purely peasant origin and had few educational advantages in his early life. In 1783 he obtained employment as a copying-clerk in an attorney's office in London, but soon after enlisted in a line regiment, and during his term of service devoted all his leisure hours to literary pursuits. He made himself proficient in English grammar and the classics, and was steadily promoted in rank until his honorable discharge, eight years later. He became involved in difficulties which endangered his personal safety and he fled to America and settled in Philadelphia. He was drawn into politics, united with the Federal party and strongly upheld English institutions. At this time he published "The Life and Adventures of Peter Porcupine," which pictures much of his early life, and also busied himself writing pamphlets and newspaper articles which made him a factor in American politics. Several suits for libel were brought against him on account of his free use of language, and to escape them he returned to England in 1800, where he was welcomed by the government party who hoped to make use of his ready pen. Cobbett's politics, however, underwent a complete change and he soon appeared as champion of the people in aid of the reform movement. He had long meditated a parliamentary career, and after being twice defeated finally obtained a seat for Oldham in the first reformed parliament. He made a bitter attack on Sir Robert Peel, which brought him much discredit and ridicule, and engaged in a debate on the malt tax just before his death, which took place in 1835. Cobbett's views of politics and history were crude, and his economic theories often absurd, but in many ways his opinion about the reformation anticipated the doctrine of the Young England party as led by Disraeli. His homespun eloquence and shrewd common sense made him conspicuous, and his political writings show the extraordinary power and independence of his character.

GOD'S VENGEANCE AGAINST PUBLIC ROBBERS

A PUBLIC ROBBER, or robber of the public, is one who robs the people of a country, community, or nation. We hear and read sermons enough on the wickedness of stealing from and robbing individuals. The crimes of stealing privately in houses, of breaking open dwellings to rob, of robbery committed on the highway, of frauds com-

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mitted on traders and others, of making false writings for the purposes of fraud, of embezzlement of the goods or money of employers, of marauding in gardens and fields, and even of taking to our own use, in certain cases, wild animals that have no owner or proprietor at all; the sin of committing these crimes is frequently, though not too frequently, laid before us in colors the most odious, though not more odious than the nature and tendency of it call for.

Those who reprobate acts of this description do right, but if at the same time they carefully abstain from all exposure of the nature of public robbery, if they pass that over in silence, and especially if they by any means, either direct or indirect, give their sanction to, frame an excuse for, palliate in any degree, the deeds of the public robber; if such be their conduct, they do wrong; they are the enemies of mankind; they are the foes of justice, morality, and religion; and to them applies the question of the prophet Jeremiah (vii, 11), "Is this house, which is called by my name, become a den of robbers?" To them and to such a state of things apply also the words of the prophet Ezekiel (xxii, 27): "Her princes in the midst thereof are like wolves ravening the prey, to shed blood, to destroy souls, to get dishonest gain. And their prophets have daubed them with untempered mortar." Then the text goes on to speak of the robbery, vexation, and oppression committed on the defenceless part of the people, and it concludes with these words, which let peculators well remember: "Therefore have I poured out mine indignation upon them; I have consumed them with the fire of my wrath; their own way have I recompensed upon their heads, saith the Lord God."

The robber, be he of what description he may, is seldom at a loss for some excuse or other; for a something in the way,

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of comfort to lay to his soul; for some plea or other wherewith to divert his mind and speak peace to his conscience. But, disguise the thing how we may, all our receivings other than those that come by free gift or that proceed from value in some way or other given or rendered in exchange, are dishonest receivings. If they come with the knowledge and consent of the party, but in consequence of deceit practised on him, they are obtained by fraud; if taken from him without his knowledge, the act is stealing; if taken from him with his knowledge and without his consent, it is robbery. And can the evil be less in the eye of reason or religion merely because the robbery is committed on many instead of one?

In the case of public robbery no particular sufferer is able to say what precise sum he has been robbed of by any particular robber in cases where there unhappily be many robbers; but does this wipe away the sin? Are the robbers less robbers for this? The man whose house has been robbed seldom knows precisely what he has lost, and in many cases never knows who the robbers are; yet the sin of the robbery remains the same, and it remains the same, too, though the robbed person remain forever unconscious of the robbery.

The public robber, or robber of the people of a country, flatters himself with the excuse that he knows not whom the money comes from; but does that make any difference in the nature of his offence? Nine times out of ten the highway robber knows not the persons that he robs, and so it frequently is with the thief or burglar. But these all know well that they rob somebody, and so does the man that robs the people. He knows that somebody must be the loser; he knows that he robs his neighbors, the people of the whole nation being in a moral and religious sense his neighbors, and

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he knows that God has said (Lev. xix, 13), "Thou shalt not rob thy neighbor."

But the grand plea of the public robber is that he takes nothing from any one; that the thing is given to him by those who do take it; that it is given him in virtue of something called law; that such taking away and such receiving have been going on for ages and ages; and lastly, that if he did not receive that which he does receive in this way, some other person would.

As to the first of these the highway robber may say as much, for in fact it is the pistol and not he that empties the frightened traveller's purse, and the murderer would have as good a defence if he laid the bloody deed upon the dagger. But in some cases, and even in the most flagrantly wicked cases, the public robber may say that he does not even employ the instrument that actually commits the robbery. But the main question is, does he receive the fruit of the robbery? There never was a country so destitute of moral principles as not to hold the receiver to be as bad as the thief; and therefore when we receive we have only to ask ourselves whether the thing received be our due; whether we have rendered goods or services in exchange, or whether it came as a free gift from the possessor. If neither of these can be answered in the affirmative, our receiving is a robbery of somebody, however dark the channel and numerous the hands that the thing received may have passed through.

With regard to the circumstance that the thing is received in virtue of something bearing the name of law, the robber seems to forget that this may really form an addition to the crime and render that a piece of cool and cowardly and insolent cruelty which without this circumstance would have

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been a simple robbery. This is precisely the case which the prophet Isaiah evidently had in his eye in the beginning of his tenth chapter: "Woe unto them that decree unrighteous decrees, and that write grievousness which they have prescribed." And to what end are these decrees? Why this writing of grievousness? "To turn aside the needy from judgment, and to take away the right from the poor of my people, that widows may be their prey, and that they may rob the fatherless." This is the end of such unjust laws; and indeed it is the great end of all oppression; for there is no pleasure in merely making a people miserable; it is in the gain that is derived from it that the real object is always to be found.

The manner in which public robbers proceed, the means by which they effect this their great end, are finely described in the 13th and 14th verses of this same chapter of Isaiah. Speaking of the king of Assyria and of the glory of his high looks, God says, by the mouth of the prophet, "For he saith, By the strength of my hand I have done it, and by my wisdom; for I am prudent: and I have removed the bounds of the people, and have robbed their treasures, and I have put down the inhabitants like a valiant man." Alas! how often is that termed valor which is in all respects as base and cowardly as the act of the thief and the murderer! But the means: "And my hand hath found as a nest the riches of the people: and as one gathereth eggs that are left, have I gathered all the earth; and there was none that moved the wing, or opened the mouth, or peeped."

What a beautiful, what a strong, how animated a description of public and sweeping extortion and robbery! First the tyrant "removes the bounds" of the people; that is to say the laws which gave them protection against robbery; then

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he robs them of their treasures, which he finds as in a nest, which nest he rifles as unfeeling boys rifle the nests of birds; and finally he pillages them and puts them down as completely as birds are when they venture not to move the wing, chirp, or peep! Miserable, wretched people! and oh! detestable tyrant! And is this tyrant to escape punishment? Is he to carry it thus to the end? Are the oppressed, the pillaged, the robbed people not to be avenged? "Therefore [verse 16] shall the Lord of Hosts send among his fat ones leanness; and under his glory he shall kindle a burning like the burning of a fire!"

Now it is not to be supposed that this audacious, profligate, and cruel tyrant committed the robberies with his own hands, or that he consumed all the eggs himself. He must have had numerous instruments in his work of merciless plunder and oppression. He could not himself have "put down the inhabitants" so that they dared not move, speak, or peep. He must have had bands of ruffians of some sort or other to assist him in this, and many and many a cunning knave to carry on the previous work of removing the bounds of the people. But he must have had sharers in the spoil; in all probability parasites, spies, pimps, and harlots. Worthless favorites in crowds would naturally be found in his train without, at the most, any merit but their excelling in scenes of drunkenness and debauchery. And hence it is that the prophet talks of his "fat ones"; that is to say, the pampered wretches made rich by public plunder, who were to be made lean; that is, to be compelled to disgorge their plunder and to be brought down.

Yet they had law to plead for their doings; but that was no good plea, seeing that the very foundation of their gains was the removing of the bounds of the people; or, in other words,

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the violating of the laws that gave them security; and hence it is that the prophet begins his denunciation by exclaiming, "Woe unto them that decree unrighteous decrees, that they may rob the defenceless."

As to the plea of the public robber, that this sort of robbery has been going on for ages and ages, to what a pitch of senselessness of shame must a man be arrived before he can even think of such a plea? Theft and murder have been going on for ages and ages; but because Cain murdered Abel does the murderer of the present day pretend that he has committed no crime? The petty thief, far more modest than the public robber, never attempts to justify his deeds on the ground of precedent; never attempts to excuse himself by appealing to the antiquity of the practice.

But of all the pleas of the public robber none is so audacious and bespeaks a heart so callous as that the robbery, if not committed by him, would be committed by some other person. Upon such a plea what crime, what enormity, may not be justified? What justice was there in condemning the fat ones of the king of Assyria if this plea were good for anything? The presumption always is that the criminal has done that which without him would not have been done. But this plea, which public robbers always set up, would infer that every crime that is committed must have been committed by somebody; and that the criminal is in fact an unfortunate person on whom the lot of committing the crime has fallen! This is to strike at the very root of all justice and all law. Oh, no! Where we find the theft or the murder committed, there we are to look for the thief or the murderer; and where we find the public robbery, there we are to look for the public robber,—for the fat one; and when we find him, on him are we to inflict the sentence of leanness. In the even-

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ing-tide trouble is to be made to come upon him, and before the morning he is not to be. This in the words of my text is to be "the portion of them that spoil us, and the lot of them that rob us."

Extremely various are the disguises worn by the public robber. The devices and contrivances by which he glosses over the act are as numerous as the private terms and signals of common thieves and robbers. He is seldom at a loss for a name under which to commit the act, which name, in its commonplace acceptation, describes something not criminal and often highly meritorious. But with those who look fully into the matter these disguises are of no avail. The act of receiving being clearly established, it is for the receiver to show that he is justly entitled to what he receives. For, name the thing how he will, undue receipt is fraud, stealing, or robbery. The name may be the means of effecting the purpose, and it may secure present impunity; but it alters not and cannot alter the nature of the thing. It cannot lessen the crime in the eyes of God, who has said that you shall not take from another, except by way of free gift, that which is not your due.

It is in vain to pretend ignorance of the source of what is obtained unjustly from the public and to affect to believe that it is a gift from some individual. The shape in which it comes may be that of a gift, but it must retain its original character; and, go where it may, it is still the fruit of robbery, and the receiver as well as the pretended giver are essentially robbers.

In cases of public robbery the robbed parties are numerous, but they are looked upon as numerous contributors toward the support of one; for the robbers may be numerous too; and in time the effects of the robbery may surpass in

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cruelty those of the sword or the pestilence. There is in fact scarcely an evil on the earth equal to this. It is cause as well as effect. It produces oppression of all sorts and is the end of the thing sought for by every sort of oppression. The tyrant, like the piratical commander, does not enslave men for the mere satisfaction arising from that act, but for the sake of what he gains out of them. When a tyrant scourges particular slaves, shuts them up in dungeons, or puts them to death, it is, in his ultimate view, that he may rob the mass of his slaves with the greater ease and security; and, without fear of contradiction from the experience of any age or nation, we may assert that a people has never suffered any great and lasting calamity except when public robbery has been the principal cause.

We ought therefore to hold in greater detestation and to pursue with greater zeal the public than the private robber. The acts of the latter are trifling in their consequences compared with those of the former. The aggregate of all the acts of fraud, stealing, and robbery by private persons in any community do not and cannot amount to mischief a tenth, and perhaps not a thousandth, part so great as that produced by the deeds of public robbers, and especially in cases such as that described in so forcible a manner by the prophet Isaiah, where public robbery is organized into a system; and where the robbers have at last the effrontery to boast of the extent of their robberies. To what a state of wretchedness must a people be reduced when they are treated like the birds of which the purveyors of tyranny leave nothing in the nest that can "move the wing, open the mouth, or peep?"—when a whole nation; when the many are thus borne down in order to raise the few to an unnatural height?—when, to make a thousand "fat ones," a million of beings, many of

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whom are superior to the fat ones in every natural endowment and moral quality, are made miserable, have the fair fruit of their labor forced from them, and at last live in a state of such pain and torment as to make them question the justice of their Maker himself? "A people robbed and spoiled, snared in holes, hid in prison-houses, a prey, and none to deliver." Where are we to find an equal to this? Where are we to find a crime equal to the crimes of those who reduce a people to such a state? And where, then, are law and justice if such criminals are to escape punishment?

What under the sun can be so provoking, so stinging to the heart of man, as to see the fruit of his toil, his skill, his care, devoured by those who in no possible way yield him anything in return? And what must he be made of who can joyously live on the fruit of the labor of thousands while those thousands are reduced to beggary and misery? The public robber frequently passes without crime imputed to him for want of facility in tracing his crime to the sufferer. But he must know that he commits the crime. He must know that that which he devoureth is not his. Aye, and he knows too that hunger, nakedness, disease, insanity, and ignominious deaths innumerable are the consequence of his dishonest gains, for the sake of obtaining which he sheds blood and destroys souls.

Yet the history of the world is not without its instances of the most odious and cruel public robbery defended, and even carried on, by men pretending to extraordinary piety and wearing the garb of uncommonly scrupulous sanctity! It is when the public robber assumes this mask that he is most dangerous; for, having brought himself to make a mockery of God, what belonging man is to hold him in re-

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straint? The notorious public robber and the pretended saint united in the same person, the "gain of oppressions" in one hand and the manual of piety in the other, is surely the most detestable sight that ever met the eye of man. But let the hypocrite remember that God has said (Is. lxi, 8) "I hate robbery for burnt offering." And what he has also said, in the words of my text, that trouble and destruction shall in the end "be the portion of them that spoil us and the lot of them that rob us."

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ROYER-COLLARD

PIERRE PAUL ROYER-COLLARD, philosopher and politician, was born in 1763 at Sompuis, and, after receiving a liberal education, was admitted to practice at the bar. On the outbreak of the French Revolution, he took the popular side, and was Secretary of the Paris Municipal Council for two years. He was shocked, however, by the sanguinary course pursued by Danton and Robespierre, and from the Reign of Terror until the fall of Napoleon in 1814 he lived in retirement, devoting himself to the study of philosophy. After the Restoration, he was elected to the Chamber of Deputies, and remained a member of that body for some fifteen years, becoming eventually its President. After the Revolution of July, 1830, he withdrew from politics, and died on September 4, 1845.

"SACRILEGE" IN LAW

CHAMBER OF DEPUTIES, PARIS, 1825. AGAINST THE DEATH PENALTY FOR SACRILEGE

WHAT is sacrilege? It is, according to this law, the profanation of sacred vases and of consecrated wafers. What, then, is profanation? It is an act of violence committed voluntarily, through hatred or contempt of religion. What are consecrated wafers? We Catholics believe that consecrated wafers are no longer the wafers that we see, but Jesus Christ the Holy of Holies; God and man together, invisible and present in the most sacred of our mysteries. The violence is thus committed against Jesus Christ himself. The irreverence of this language is shocking, for religion also has its modesty; but the irreverence is that of the law. The sacrilege then consists, I take the law to witness, in an act of violence committed

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upon Jesus Christ. The crime punishable by the law, under the name of sacrilege, is a direct outrage on the Divine Majesty; that is to say, according to ancient ordinance, the crime of lèse-majesté divine; and as this crime exclusively springs from the Catholic dogma of the Real Presence, it results that if, in thought, we can separate from the wafers the real presence and divinity of Jesus Christ, the sacrilege disappears together with the penalty by which it is punished. It is the dogma which makes the crime, and it is also the dogma which gives it a name.

For three ages past the Christian religion has unfortunately been torn into Catholic and Protestant, and the dogma of the Real Presence is only true on this side of the strait which separates them; but beyond that it is false and idolatrous. Truth is limited by the seas, the rivers, and the mountains; it is determined, as Pascal says, by a meridian. There are as many varieties of truth as of State religions. Still more, if in every State, and under the same meridian, the political law should change, truth, a docile companion, changes with it, and all these truths, contradictory among themselves, have an equal claim to the title of immutable, absolute truth, of which, according to your law, we must be satisfied by executions that will at all times and places be equally just. Contempt of God and man cannot be carried further than this, and yet such are the natural and necessary consequences of legal truth; it is impossible to avoid them when once the principle is admitted. Will it be said that this is not the principle of the law? Whenever this is asserted I shall still repeat that the law admits the legal sacrilege against consecrated wafers, if the Real Presence is not a legal truth.

But other consequences spring from the same principle.

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We do not play with religion as with men; we do not allot to it the part it is to take; we cannot say to it with authority: Thus far shalt thou go, and no further. The sacrilege resulting from the profanation of consecrated wafers is provided against in your law; but why that one alone, when there are as many acts of sacrilege as there are modes of outraging the Deity? And why the crime of sacrilege alone, when with equal audacity heresy and blasphemy are knocking at the door? Truth does not suffer these partial compromises. By what right does your profane hand thus divide the Divine Majesty, declaring it vulnerable upon one point alone, and invulnerable upon every other? Sensitive to acts of violence, but insensible to all other kinds of outrage. That writer is not wrong who declares your law to be paltry, fraudulent, and even atheistical! The moment that a single dogma of the Catholic religion enters into the law, that religion should be held true in its fullest extent, and all the others false; it should form a part of the constitution of the State, and thence spread itself through all its civil and political institutions.

In breaking a long silence, I have wished to mark my lively opposition to the theocratic principle which threatens at once society and religion, a principle so much the more serious that it is not, as in the days of barbarity and ignorance, the sincere fury of a too ardent zeal which relights this torch. There is no longer a St. Dominic, neither are we Albigenses. The theocracy of our times is less religious than political; it forms a part of that system of reaction which leads us on; and that which now renews it is its counter-revolutionary aspect. Without doubt, gentlemen, the revolution has been impious even to fanaticism and to cruelty; but let them take care, it was that crime, above

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all others, which caused its ruin; and we may predict to the counter-revolution that reprisals of cruelty, even if only written, will bear evidence against it, and blast it in its turn. I vote against the law.

AGAINST PRESS CENSORSHIP

DELIVERED IN THE FRENCH CHAMBER OF DEPUTIES IN 1828

IN THE ideas of some men, it was imprudent on the great day of creation to allow man, a free and intelligent being, to escape into the midst of the universe! A more lofty wisdom is now about to repair this fault of Providence and to render humanity, sagely mutilated, the service of elevating it at last to the happy innocence of the brute creation! The Author of all things formerly thought otherwise; but he was wrong! Truth is a good, say these men, more provident than nature, but error is an evil. Perish, then, both truth and error! As a prison is the natural remedy for liberty, ignorance will be the natural remedy for intelligence; ignorance is the true science of man and of society! Gentlemen, a law which thus denies the existence of mind is an atheistical law and should not be obeyed! Alas! we have passed through periods when the authority of the law, having been usurped by tyranny, evil was called good, and virtue crime. During this fearful test we did not seek for the rule of our actions in the law, but in our consciences: we obeyed God rather than men. Must we, under the legitimate government, be brought back to these deplorable recollections? We shall still be the same men! Your law, be it well understood,

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will be vain, for France is better than its government! Counsellors of the crown, what have you done hitherto? Who has raised you above your fellow-citizens that you assume a right to impose a tyranny upon them? Obscure and ordinary men like ourselves, you only surpass us in temerity! Such senseless audacity can only be met with in factions. Your law, therefore, denounces a faction in the government with as much certainty as if this faction had denounced itself. I shall not ask it what it is, whence it comes, or whither it is going, for it would tell me falsehoods! I judge this faction by its works! It now proposes to you to destroy the liberty of the press; last year it exhumed from the Middle Ages the right of primogeniture, and the year before it introduced sacrilege! It is thus retrograding. It matters not to me whether it be called counter-revolution or otherwise; it is going backward in religion and policy! It clings to fanaticism, to privilege, to ignorance, and to barbarism, or to the absurd domination which barbarism favors! The enterprise, however, will not be so easy to accomplish. In future not another line is to be printed in France! With all my heart! A brazen frontier shall preserve us from foreign contagion! Well and good! But for a long time discussion has existed in the world between good and evil, between the true and the false. It fills innumerable volumes, which have been read over and over, day and night, by an inquisitive generation. Whole libraries of books have passed into the minds of men. It is from thence you must banish them: have you a law ready for that purpose? "So long as we shall not forget what we know, we shall be ill-disposed to brutishness and slavery. But the action of mind is not solely derived from books; springing from freedom of condition,

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it exists in labor, in riches, and in leisure; while it is nourished by the assemblages of towns and the facility of communication. To enslave men it is necessary to disperse and to impoverish them, for misery is the safeguard of ignorance. Believe me, reduce the population, discard the men of industry from the soil, burn the manufactories, fill up the canals, plow up the highways. If you do not effect all this, you will have accomplished nothing; if the plow does not pass entirely over civilization, that which remains will be sufficient to baffle your efforts.

I cannot support the amendments of the committee, or indeed any amendments. The law is neither worthy nor susceptible of any. There is no arrangement to be made with the principle of tyranny by which it was dictated. I reject it purely and simply out of respect for humanity which it degrades, and for justice by which it is outraged.

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PLUNKET

BARON WILLIAM CONYNGHAM PLUNKET, an Irish orator and statesman, was the son of a Presbyterian minister and was born at Enniskillen, Ireland, July 1, 1764. He was educated at Trinity College, Dublin, and studied law at Lincoln's Inn, London. He was called to the Irish bar in 1787, and eleven years later he became king's counsel, and soon after entered the Irish Parliament. In 1803 he was the prosecuting attorney in the trial of Robert Emmet for treason. From 1807 to 1822 he sat in the English House of Commons, where his voice was frequently heard in behalf of Catholic emancipation. Plunket was twice attorney-general of Ireland, and in 1827 was raised to the peerage as Baron Plunket. He filled the responsible post of lord chancellor of Ireland 1830-41 and died at Old Connaugh, County Wicklow, Ireland, January 4, 1854. Plunket's fame rests mainly on his long-continued services in behalf of Catholic emancipation, one of his ablest as well as most eloquent speeches being delivered in support of Burdett's Catholic Relief bill in 1825. Plunket's oratory aimed to convince by close, logical reasoning rather than to stir the passions, while elevated thought, full and refined expression were especial characteristics of his speeches.

ON THE COMPETENCY OF THE IRISH PARLIAMENT TO PASS THE MEASURE OF UNION

SIR, I, in the most express terms, deny the competency of Parliament to do this act. I warn you, do not dare to lay your hand on the constitution. I tell you that if, circumstanced as you are, you pass this act, it will be a nullity, and that no man in Ireland will be bound to obey it. I make the assertion deliberately—I repeat it, and I call on any man who hears me to take down my words: you have not been elected for this purpose—you are appointed to make laws and not legislatures—you are appointed to act under the constitution, not to alter it—you are appointed to exercise the functions of legislators, and not to transfer them—and if you do so your act is a dissolution of the government, you

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resolve society into its original elements, and no man in the land is bound to obey you.

Sir, I state doctrines which are not merely founded in the immutable laws of justice and of truth. I state not merely the opinions of the ablest men who have written on the science of government, but I state the practice of our constitution as settled at the era of the revolution, and I state the doctrine under which the house of Hanover derives its title to the throne. Has the king a right to transfer his crown? Is he competent to annex it to the crown of Spain or any other country? No; but he may abdicate it; and every man who knows the constitution knows the consequence,—the right reverts to the next in succession; if they all abdicate, it reverts to the people. The man who questions this doctrine, in the same breath must arraign the sovereign on the throne as a usurper. Are you competent to transfer your legislative rights to the French Council of Five Hundred? Are you competent to transfer them to the British Parliament? I answer, No. When you transfer you abdicate, and the great original trust results to the people from whom it issued. Yourselves you may extinguish, but Parliament you cannot extinguish—it is enthroned in the hearts of the people—it is enshrined in the sanctuary of the constitution—it is immortal as the island which it protects. As well might the frantic suicide hope that the act which destroys his miserable body should extinguish his eternal soul. Again, I therefore warn you, do not dare to lay your hands on the constitution; it is above your power.

Sir, I do not say that the Parliament and the people by mutual consent and co-operation, may not change the form of the constitution. Whenever such a case arises it must be decided on its own merits—but that is not this case. If gov-

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ernment considers this a season peculiarly fitted for experiments on the constitution, they may call on the people.

I ask you, are you ready to do so? Are you ready to abide the event of such an appeal? What is it you must, in that event, submit to the people? Not this particular project, for if you dissolve the present form of government they become free to choose any other—you fling them to the fury of the tempest—you must call on them to unhouse themselves of the established constitution, and to fashion to themselves another. I ask again, is this the time for an experiment of that nature?

Thank God, the people have manifested no such wish—so far as they have spoken, their voice is decidedly against this daring innovation. You know that no voice has been uttered in its favor, and you cannot be infatuated enough to take confidence from the silence which prevails in some parts of the kingdom; if you know how to appreciate that silence it is more formidable than the most clamorous opposition—you may be rived and shivered by the lightning before you hear the peal of the thunder! But, sir, we are told that we should discuss this question with calmness and composure. I am called on to surrender my birthright and my honor, and I am told I should be calm and should be composed. National pride! Independence of our country!

These, we are told by the minister, are only vulgar topics fitted but for the meridian of the mob, but unworthy to be mentioned to such an enlightened assembly as this; they are trinkets and gewgaws fit to catch the fancy of childish and unthinking people like you, sir, or like your predecessor in that chair, but utterly unworthy the consideration of this House or of the matured understanding of the noble lord who condescends to instruct it!

Gracious God! We see a Perry reascending from the

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tomb and raising his awful voice to warn us against the surrender of our freedom, and we see that the proud and virtuous feelings which warm the breast of that aged and venerable man are only calculated to excite the contempt of this young philosopher who has been transplanted from the nursery to the cabinet to outrage the feelings and understanding of the country.

DENUNCIATION OF THE MEN AND THE MEANS BY WHICH THE UNION WAS PERPETRATED

LET me again ask you, how was the rebellion of 1798 put down? By the zeal and loyalty of the gentlemen of Ireland rallying round—what? a reed shaken by the wind, a wretched apology for a minister who neither knew how to give or where to seek protection! No—but round the laws and constitution and independence of the country. What were the affections and motives that called us into action? To protect our families, our properties, and our liberties. What were the antipathies by which we were excited? Our abhorrence of French principles and French ambition. What was it to us that France was a republic? I rather rejoiced when I saw the ancient despotism of France put down. What was it to us that she dethroned her monarch?

I admired the virtues and wept for the sufferings of the man, but as a nation it affected us not. The reason I took up arms, and am ready still to bear them against France, is because she intruded herself upon our domestic concerns—because, with the rights of man and the love of freedom on her tongue, I see that she has the lust of dominion in her heart—because wherever she has placed her foot she has

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erected her throne, and that to be her friend or her ally is to be her tributary or her slave.

Let me ask, is the present conduct of the British minister calculated to augment or to transfer that antipathy? No, sir, I will be bold to say that licentious and impious France, in all the unrestrained excesses which anarchy and atheism have given birth to, has not committed a more insidious act against her enemy than is now attempted by her professed champion of civilized Europe against a friend and an ally in the hour of her calamity and distress—at a moment when our country is filled with British troops—when the loyal men of Ireland are fatigued with their exertions to put down rebellion, efforts in which they had succeeded before these troops arrived—whilst our Habeas Corpus Act is suspended—whilst trials by court martial are carrying on in many parts of the kingdom—whilst the people are taught to think that they have no right to meet or to deliberate, and whilst the great body of them are so palsied by their fears and worn down by their exertion that even the vital question is scarcely able to rouse them from their lethargy—at the moment when we are distracted by domestic dissensions, dissensions artfully kept alive as the pretext for our present subjugation and the instrument of our future thraldom!

Sir, I thank the administration for this measure. They are, without intending it, putting an end to our dissensions; through this black cloud which they have collected over us, I see the light breaking in upon this unfortunate country. They have composed our dissensions—not by fomenting the embers of a lingering and subdued rebellion—not by hallooing the Protestant against the Catholic, and the Catholic against the Protestant—not by committing the North against the South—not by inconsistent appeals to local or to party

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prejudices, no, but by the avowal of this atrocious conspiracy against the liberties of Ireland they have subdued every petty and subordinate distinction. They have united every rank and description of men by the pressure of this grand and momentous subject, and I tell them that they will see every honest and independent man in Ireland lly round her constitution and merge every other consideration in his opposition to this ungenerous and odious measure.

For my own part I will resist it to the last gasp of my existence and with the last drop of my blood, and when I feel the hour of my dissolution approaching I will, like the father of Hannibal, take my children to the altar and swear them to eternal hostility against the invaders of their country's freedom.

Sir, I shall not detain you by pursuing this question through the topics which it so abundantly offers. I should be proud to think my name might be handed down to posterity in the same roll with these disinterested patriots who have successfully resisted the enemies of their country—successfully I trust it will be—in all events I have my "exceeding great reward"—I shall bear in my heart the consciousness of having done my duty, and in the hour of death I shall not be haunted by the reflection of having basely sold or meanly abandoned the liberties of my native land. Can every man who gives his vote on the other side, this night lay his hand upon his heart and make the same declaration? I hope so—it will be well for his own peace—the indignation and abhorrence of his countrymen will not accompany him through life, and the curses of his children will not follow him to his grave.

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PINKNEY

WILLIAM PINKNEY, an American diplomatist and statesman, was born at Annapolis, Maryland, March 17, 1764, and, although the son of an English loyalist, early sided with the opposite party. At the close of the American war he began the study of law and was admitted to the bar in 1786. He was appointed a delegate to the Maryland convention that ratified the federal constitution, and, having established himself in his profession in Harford County, Maryland, represented that county in the state legislature, 1788-95, and for three years more was a member of the Maryland executive council. His extensive acquaintance with admiralty law proved of great value during the twelve years, 1796-1808, during which he was United States commissioner in England. After a short service as attorney-general of Maryland he was sent once more to England to act as minister extraordinary with Monroe, and remained as minister resident, 1807-11, in the last-named year becoming attorney-general of the United States. He favored the second war with England, and while serving in the American army as a volunteer was wounded at the battle of Bladensburg. In 1816 Pinkney was dispatched to Europe as minister to Russia and special envoy to Naples, remaining abroad for two years, and while in the Senate of the United States from 1820-22 took a prominent part in the discussion over the Missouri Compromise. He died in Washington, February 25, 1822. Pinkney was a lawyer of marked ability and a skilful diplomatist.

SPEECH FOR THE RELIEF OF THE OPPRESSED SLAVES

[This speech was delivered in the Assembly of Maryland at their session in 1788, when the report of a committee of the House, favorable to a petition for the relief of the oppressed slaves, was under consideration.]

MR. SPEAKER,—Before I proceed to deliver my sentiments on the subject-matter of the report under consideration, I must entreat the members of this House to hear me with patience, and not to condemn what I may happen to advance in support of the opinion I have formed, until they shall have heard me out. I am conscious, sir, that upon this occasion I have long-established principles to combat and deep-rooted prejudices to defeat; that I have

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fears and apprehensions to silence, which the acts of former legislatures have sanctioned, and that (what is equivalent to a host of difficulties) the popular impressions are against me.

But if I am honored with the same indulgent attention which the House has been pleased to afford me on past subjects of deliberation I do not despair of surmounting all these obstacles in the common cause of justice, humanity, and policy. The report appears to me to have two objects in view: to annihilate the existing restraints on the voluntary emancipation of slaves, and to relieve a particular offspring from the punishment, heretofore inflicted on them, for the mere transgression of their parents. To the whole report, separately and collectively, my hearty assent, my cordial assistance, shall be given.

It was the policy of this country, sir, from an early period of colonization, down to the Revolution, to encourage an importation of slaves for purposes which (if conjecture may be indulged) had been far better answered without their assistance. That this inhuman policy was a disgrace to the colony, a dishonor to the legislature, and a scandal to human nature, we need not, at this enlightened period, labor to prove.

The generous mind, that has adequate ideas of the inherent rights of mankind and knows the value of them, must feel its indignation rise against the shameful traffic that introduces slavery into a country, which seems to have been designed by Providence as an asylum for those whom the arm of power had persecuted and not as a nursery for wretches stripped of every privilege which Heaven intended for its rational creatures, and reduced to a level with — nay, become themselves — the mere goods and chattels of their masters.

Sir, by the eternal principles of natural justice, no master

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in the State has a right to hold his slave in bondage for a single hour; but the law of the land, which (however oppressive and unjust, however inconsistent with the great groundwork of the late Revolution and our present frame of government) we cannot in prudence or from a regard to individual rights abolish, has authorized a slavery as bad or perhaps worse than the most absolute, unconditional servitude that ever England knew in the early ages of its empire, under the tyrannical policy of the Danes, the feudal tenures of the Saxons, or the pure villanage of the Normans.

But, Mr. Speaker, because a respect for the peace and safety of the community, and the already injured rights of individuals, forbids a compulsory liberation of these unfortunate creatures, shall we unnecessarily refine upon this gloomy system of bondage and prevent the owner of a slave from manumitting him at the only probable period when the warm feelings of benevolence and the gentle workings of commiseration dispose him to the generous deed?

Sir, the natural character of Maryland is sufficiently sullied and dishonored by barely tolerating slavery; but when it is found that your laws give every possible encouragement to its continuance to the latest generations, and are ingenious to prevent even its slow and gradual decline, how is the dye of the imputation deepened? It may even be thought that our late glorious struggle for liberty did not originate in principle, but took its rise from popular caprice, the rage of faction, or the intemperance of party.

Let it be remembered, Mr. Speaker, that even in the days of feudal barbarity, when the minds of men were unexpanded by that liberality of sentiment which springs from civilization and refinement, such was the antipathy in England against private bondage that, so far from being studious to stop the

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progress of emancipation, the courts of law (aided by legislative connivance) were inventive to liberate by construction. If, for example, a man brought an action against his villain, it was presumed that he designed to manumit him; and although perhaps this presumption was, in ninety-nine instances out of a hundred, contrary to the fact, yet upon this ground alone were bondmen adjudged to be free.

Sir, I sincerely wish it were in my power to impart my feelings upon this subject to those who hear me; they would then acknowledge that while the owner was protected in the property of his slave he might, at the same time, be allowed to relinquish that property to the unhappy subject whenever he should be so inclined. They would then feel that denying this privilege was repugnant to every principle of humanity — an everlasting stigma on our government — an act of unequalled barbarity, without a color of policy or a pretext of necessity to justify it.

Sir, let gentlemen put it home to themselves, that after Providence has crowned our exertions in the cause of general freedom with success, and led us on to independence through a myriad of dangers and in defiance of obstacles crowding thick upon each other, we should not so soon forget the principles upon which we fled to arms and lose all sense of that interposition of Heaven by which alone we could have been saved from the grasp of arbitrary power. We may talk of liberty in our public councils and fancy that we feel reverence for her dictates. We may declaim, with all the vehemence of animated rhetoric, against oppression, and flatter ourselves that we detest the ugly monster, but so long as we continue to cherish the poisonous weed of partial slavery among us the world will doubt our sincerity. In the name of Heaven, with what face can we call ourselves the friends

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of equal freedom and the inherent rights of our species when we wantonly pass laws inimical to each; when we reject every opportunity of destroying, by silent, imperceptible degrees, the horrid fabric of individual bondage, reared by the mercenary hands of those from whom the sacred flame of liberty received no devotion?

Sir, it is pitiable to reflect to what wild inconsistencies, to what opposite extremes we are hurried by the frailty of our nature. Long have I been convinced that no generous sentiment of which the human heart is capable, no elevated passion of the soul that dignifies mankind, can obtain a uniform and perfect dominion: to-day we may be aroused as one man, by a wonderful and unaccountable sympathy, against the lawless invader of the rights of his fellow creatures: to-morrow we may be guilty of the same oppression which we reprobated and resisted in another.

Is it, Mr. Speaker, because the complexion of these devoted victims is not quite so delicate as ours; is it because their untutored minds (humbled and debased by the hereditary yoke) appear less active and capricious than our own; or is it because we have been so habituated to their situation as to become callous to the horrors of it that we are determined, whether politic or not, to keep them, till time shall be no more, on a level with the brutes. For "nothing," says Montesquieu, "so much assimilates a man to a brute as living among freemen, himself a slave." Call not Maryland a land of liberty; do not pretend that she has chosen this country as an asylum, that here she has erected her temple and consecrated her shrine, when here, also, her unhallowed enemy holds his hellish pandemonium and our rulers offer sacrifice at his polluted altar. The lily and the bramble may grow in social proximity, but liberty and slavery delight in separation.

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Sir, let us figure to ourselves, for a moment, one of these unhappy victims, more informed than the rest, pleading, at the bar of this House, the cause of himself and his fellow sufferers; what would be the language of this orator of nature? Thus my imagination tells me he would address us:

"We belong, by the policy of the country, to our masters, and submit to our rigorous destiny; we do not ask you to divest them of their property because we are conscious you have not the power; we do not entreat you to compel an emancipation of us or our posterity, because justice to your fellow citizens forbids it; we only supplicate you not to arrest the gentle arm of humanity when it may be stretched forth in our behalf; nor to wage hostilities against that moral or religious conviction which may at any time incline our masters to give freedom to us or our unoffending offspring; not to interpose legislative obstacles to the course of voluntary manumission.

"Thus shall you neither violate the rights of your people nor endanger the quiet of the community while you vindicate your public councils from the imputation of cruelty and the stigma of causeless, unprovoked oppression. We have never," would he argue, "rebelled against our masters; we have never thrown your government into a ferment by struggles to regain the independence of our fathers. We have yielded our necks submissive to the yoke, and, without a murmur, acquiesced in the privation of our native rights. We conjure you, then, in the name of the common parent of mankind, reward us not, for this long and patient acquiescence, by shutting up the main avenues to our liberation, by withholding from us the poor privilege of benefiting by the kind indulgence, the generous intentions of our superiors."

What could we answer to arguments like these? Silent

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and peremptory, we might reject the application; but no words could justify the deed.

In vain should we resort to apologies grounded on the fallacious suggestions of a cautious and timid policy. I would as soon believe the incoherent tale of a schoolboy who should tell me he had been frightened by a ghost as that the grant of this permission ought in any degree to alarm us. Are we apprehensive that these men will become more dangerous by becoming free? Are we alarmed lest, by being admitted to the enjoyment of civil rights, they will be inspired with a deadly enmity against the rights of others? Strange, unaccountable paradox! How much more rational would it be to argue that the natural enemy of the privileges of freemen is he who is robbed of them himself! In him the foul demon of jealousy converts the sense of his own debasement into a rancorous hatred for the more auspicious fate of others; while from him whom you have raised from the degrading situation of a slave, whom you have restored to that rank in the order of the universe which the malignity of his fortune prevented him from attaining before, from such a man (unless his soul be ten thousand times blacker than his complexion) you may reasonably hope for all the happy effects of the warmest gratitude and love.

Sir, let us not limit our views to the short period of a life in being; let us extend them along the continuous line of endless generations yet to come. How will the millions that now teem in the womb of futurity, and whom your present laws would doom to the curse of perpetual bondage, feel the inspiration of gratitude to those whose sacred love of liberty shall have opened the door to their admission within the pale of freedom! Dishonorable to the species is the idea that they would ever prove injurious to our interests. Released from the shackles of slavery by the justice of government and the

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bounty of individuals, the want of fidelity and attachment would be next to impossible.

Sir, when we talk of policy, it would be well for us to reflect whether pride is not at the bottom of it; whether we do not feel our vanity and self-consequence wounded at the idea of a dusky African participating equally with ourselves in the rights of human nature, and rising to a level with us from the lowest point of degradation. Prejudices of this kind, sir, are often so powerful as to persuade us that whatever countervails them is the extremity of folly, and that the peculiar path of wisdom is that which leads to their gratification.

But it is for us to be superior to the influence of such ungenerous motives; it is for us to reflect that whatever the complexion, however ignoble the ancestry or uncultivated the mind, one universal Father gave being to them and us; and, with that being, conferred the inalienable rights of the species. But I have heard it argued that if you permit a master to manumit his slaves by his last will and testament, as soon as they discover he has done so they will destroy him, to prevent a revocation. Never was a weaker defence attempted, to justify the severity of persecution; never did a bigoted inquisition condemn a heretic to torture and to death upon grounds less adequate to justify the horrid sentence. Sir, is it not obvious that the argument applies equally against all devices whatsoever, for any person's benefit? For, if an advantageous bequest is made, even to a white man, has he not the same temptation to cut short the life of his benefactor, to secure and accelerate the enjoyment of the benefit?

As the universality of this argument renders it completely nugatory, so is its cruelty palpable by its being more applicable to other instances, to which it has never been applied at all, than to the case under consideration.

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LIVINGSTON

EDWARD LIVINGSTON, an American jurist and a younger brother of Robert Livingston, was born at Clermont, New York, May 26, 1764. After his graduation at Princeton College he began the practice of law in New York city in 1781, where his ability and family prestige soon brought him into prominence. From 1795, for six years, he sat in Congress, and in 1801 was mayor of New York city. He was also federal attorney at the same period and as such collected the state debts recoverable by law. A dishonest clerk, to whom he entrusted this part of his duty, appropriated the funds, and when Livingston discovered the fact he immediately turned over all his private property to the creditors to make good the loss, and, resigning his appointment, left New York. Settling in Louisiana he was admitted to the New Orleans bar in 1804, and soon became its most eminent member. Livingston spent many years in preparing the civil and criminal codes of the State, his "Civil Code of Louisiana" being adopted in 1823, and the "Penal Code of Louisiana" appearing in 1833. From 1829 to 1831 he was in the Senate of the United States, and during Jackson's administration was minister to France, where his legal acquirements caused him to be regarded as one of the principal philosophical lawyers of the time. He died at Rhinebeck, New York, May 23, 1836.

SPEECH ON THE ALIEN BILL

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, JUNE 19, 1798

[By the provisions of this bill the President might order dangerous or suspected aliens to depart out of the territory of the United States. The penalty provided for disobedience of the President's order was imprisonment and a perpetual exclusion from the rights of citizenship. The bill provided that if any alien ordered to depart should prove to the satisfaction of the President that no injury to the United States would arise from suffering him to remain, the President might grant him a license to remain for such time as he should deem proper, and at such place as he should designate. The bill having been read the third time, the question was about to be taken on its final passage when Mr. Livingston addressed the House as follows:]

MR. SPEAKER,—I esteem it one of the most fortunate occurrences of my life that after an inevitable absence from my seat in this House I have arrived in time to express my dissent to the passage of this bill. It would

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have been a source of eternal regret and the keenest remorse if any private affairs, any domestic concerns, however interesting, had deprived me of the opportunity I am now about to use of stating my objections and recording my vote against an act which I believe to be in direct violation of the constitution and marked with every characteristic of the most odious despotism.

On my arrival I inquired what subject occupied the attention of the House; and being told it was the Alien Bill I directed the printed copy to be brought to me, but to my great surprise seven or eight copies of different bills on the same subject were put into my hands; among them it was difficult (so strongly were they marked by the same family features) to discover the individual bill then under discussion. This circumstance gave me a suspicion that the principles of the measure were erroneous.

Truth marches directly to its end by a single, undeviating path. Error is either undetermining in its object or pursues it through a thousand winding ways; the multiplicity of propositions, therefore, to attain the same general but doubtful end led me to suspect that neither the object nor the means proposed to attain it were proper or necessary.

These surmises have been confirmed by a more minute examination of the bill. In the construction of statutes it is a received rule to examine what was the state of things when they were passed, and what were the evils they were intended to remedy; as these circumstances will be applied in the construction of the law, it may be well to examine them minutely in framing it. The state of things, if we are to judge from the complexion of the bill, must be that a number of aliens enjoying the protection of our government are plotting its destruction; that they are engaged in treasonable machinations

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against a people who have given them an asylum and support, and that there exists no provision for their expulsion and punishment.

If these things are so, and no remedy exists for the evil, one ought speedily to be provided, but even then it must be a remedy that is consistent with the constitution under which we act; for by that instrument all powers not expressly given to it by the Union are reserved to the States; it follows that unless an express authority can be found, vesting us with the power, be the evil ever so great, it can only be remedied by the several States, who have never delegated the authority to Congress.

We must legislate upon facts, not on surmises: we must have evidence, not vague suspicions, if we mean to legislate with prudence. What facts have been produced? What evidence has been submitted to the House? I have heard, sir, of none; but if evidence of facts could not be procured, at least it might have been expected that reasonable cause of suspicion should be shown. Here, again, gentlemen are at fault; they cannot even show a suspicion why aliens ought to be suspected.

We have, indeed, been told that the fate of Venice, Switzerland, and Batavia was produced by the interference of foreigners. But the instances are unfortunate; because all those powers have been overcome by foreign force or divided by domestic faction, not by the influence of aliens who resided among them; and if any instruction is to be gained from the history of those republics it is that we ought to banish, not aliens, but all those citizens who do not approve the executive acts.

This doctrine, I believe, gentlemen are not ready to avow; but if this measure prevails I shall not think the other remote. If it has been proved that these governments were destroyed

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by the conspiracies of aliens, it yet remains to be shown that we are in the same situation, or that any such plots have been detected or are even reasonably suspected here. Nothing of this kind has yet been done. A modern Theseus, indeed, has told us that he has procured a clue that will enable him to penetrate the labyrinth and destroy this monster of sedition. Who the fair Ariadne is who kindly gave him the ball he has not revealed; nor, though several days have elapsed since he undertook the adventure, has he yet told us where the monster lurks.

No evidence then being produced, we have a right to say that none exists, and yet we are about to sanction a most important act, and on what grounds? — our individual suspicions, our private fears, our overheated imaginations. Seeing nothing to excite these suspicions, and not feeling those fears, I cannot give my assent to the bill, even if I did not feel a superior obligation to reject it on other grounds.

The first section provides that it shall be lawful for the President "to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the United States in such time as shall be expressed in such order."

Our government, sir, is founded on the establishment of those principles which constitute the difference between a free constitution and a despotic power; a distribution of the legislative, executive, and judiciary powers into several hands; a distribution strongly marked in the three first and great divisions of the constitution. By the first, all legislative power is given to Congress; the second vests all executive functions in the President, and the third declares that the judiciary powers shall be exercised by the supreme and inferior courts.

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Here then is a division of the governmental powers strongly marked, decisively pronounced, and every act of one or all of the branches that tends to confound these powers or alter their arrangement must be destructive of the constitution. Examine then, sir, the bill on your table, and declare whether the few lines I have repeated from the first section do not confound these fundamental powers of government, vest them all, in more unqualified terms, in one hand, and thus subvert the basis on which our liberties rest.

Legislative power prescribes the rule of action; the judiciary applies the general rule to particular cases; and it is the province of the executive to see that the laws are carried into full effect. In all free governments these powers are exercised by different men, and their union in the same hand is the peculiar characteristic of despotism. If the same power that makes the law can construe it to suit his interest and apply it to gratify his vengeance; if he can go further and execute, according to his own passions, the judgment which he himself has pronounced upon his own construction of laws which he alone has made, what other features are wanted to complete the picture of tyranny?

Yet all this, and more, is proposed to be done by this act: by it the President alone is empowered to make the law, to fix in his mind what acts, what words, thoughts, or looks shall constitute the crime contemplated by the bill. He is not only authorized to make this law for his own conduct, but to vary it at pleasure, as every gust of passion, every cloud of suspicion shall agitate or darken his mind. The same power that formed the law then applies it to the guilty or innocent victim whom his own suspicions or the secret whisper of a spy have designated as its object. The President then having construed and applied it, the same President is by the bill authorized to exe-

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cute his sentence, in case of disobedience, by imprisonment during his pleasure.

This then comes completely within the definition of despotism; a union of legislative, executive, and judicial powers. But this bill, sir, does not stop here; its provisions are a refinement upon despotism and present an image of the most fearful tyranny. Even in despotisms, though the monarch legislates, judges, and executes, yet he legislates openly; his laws, though oppressive, are known, they precede the offence, and every man who chooses may avoid the penalties of disobedience. Yet he judges and executes by proxy, and his private interests or passions do not inflame the mind of his deputy.

But here the law is so closely concealed in the same mind that gave it birth — the crime is "exciting the suspicions of the President" — that no man can tell what conduct will avoid that suspicion: a careless word, perhaps misrepresented or never spoken, may be sufficient evidence; a look may destroy; an idle gesture may ensure punishment; no innocence can protect; no circumspection can avoid the jealousy of suspicion. Surrounded by spies, informers, and all that infamous herd which fatten under laws like this, the unfortunate stranger will never know either of the law of accusation or of the judgment until the moment it is put in execution: he will detest your tyranny and fly from a land of delators, inquisitors, and spies.

This, sir, is a refinement upon the detestable contrivance of the decemvirs. They hung the tables of their laws so high that few could read them; a tall man, however, might reach — a short one might climb and learn their contents; but here the law is equally inaccessible to high and low, safely concealed in the breast of its author; no industry or caution can penetrate this recess and attain a knowledge of its provisions, nor even if

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they could, as the rule is not permanent, would it at all avail.

Having shown that this bill is at war with the fundamental principles of our government, I might stop here in the certain hope of its rejection. But I can do more; unless we are resolved to pervert the meaning of terms I can show that the constitution has endeavored to "make its surety doubly sure, and take a bond of fate," by several express prohibitions of measures like the one you now contemplate.

One of these is contained in the ninth section of the first article; it is at the head of the articles which restrict the powers of Congress, and declares "that the emigration or importation of such persons as any of the States shall think proper to admit shall not be prohibited prior to the year 1808." Now, sir, where is the difference between a power to prevent the arrival of aliens and a power to send them away as soon as they arrive? To me they appear precisely the same. The constitution expressly says that Congress shall not do this; and yet Congress is about to delegate this prohibited power and say the President may exercise it as his pleasure may direct.

Judiciary power is taken from courts and given to the executive; the previous safeguard of a presentment by a grand inquest is removed: the trial by jury is abolished, the "public trial" required by the constitution is changed into a secret and worse than inquisitorial tribunal. Instead of giving "information on the nature and cause of the accusation," the criminal, alike ignorant of his offence and the danger to which he is exposed, never hears of either until the judgment is passed and the sentence is executed. Instead of being "confronted with his accusers," he is kept alike ignorant of their names and their existence; and, the forms of a trial being dis-

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pensed with, it would be a mockery to talk of "process for witness" or the "assistance of counsel for defence."

Thus are all the barriers which the wisdom and humanity of our country has placed between accused innocence and oppressive power at once forced and broken down. Not a vestige even of their form remains. No indictments, no jury, no trial, no public procedure, no statement of the accusation, no examination of the witnesses in its support, no counsel for defence: all is darkness, silence, mystery, and suspicion.

But, as if this were not enough, the unfortunate victims of this law are told, in the next section, that if they can convince the President that his suspicions are unfounded, he may, if he pleases, give them a license to stay. But how can they remove his suspicions when they know not on what act they were founded? How take proof to convince him when he is not bound to furnish that on which he proceeds? Miserable mockery of justice!

Appoint an arbitrary judge, armed with legislative and executive powers added to his own! Let him condemn the unheard, the unaccused object of his suspicions, and then, to cover the injustice of the scene, gravely tell him you ought not to complain, you need only disprove facts you have never heard, remove suspicions that have never been communicated to you; it will be easy to convince your judge, whom you shall not approach, that he is tyrannical and unjust, and when you have done this we give him the power he had before to pardon you if he pleases!

So obviously do the constitutional objections present themselves that their existence cannot be denied, and two wretched subterfuges are resorted to, to remove them out of sight. In the first place, it is said the bill does not contemplate the punishment of any crime, and therefore the provisions in the con-

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stitution relative to criminal proceedings and judiciary powers do not apply. But have the gentlemen who reason thus read the bill, or is everything forgotten in our zealous hurry to pass it? What are the offences upon which it is to operate?

Not only the offence of being "suspected of being dangerous to the peace and safety of the United States," but also that of being "concerned in any treasonable or secret machinations against the government thereof" — and this, we are told, is no crime. A treasonable machination against the government is not the subject of criminal jurisprudence! Good heaven! to what absurdities does not an over-zealous attachment to particular measures lead us!

In order to punish a particular act we are forced to say that treason is no crime and plotting against our government is no offence! And to support this fine hypothesis we are obliged to plunge deeper into absurdity and say that the acts spoken of in the bill are no crimes, and therefore the penalty contained in it is not a punishment, but merely a prevention; that is to say, we invite strangers to come amongst us; we declare solemnly that government shall not prevent them; we entice them over by the delusive prospects of advantage; in many parts of the Union we permit them to hold lands and give them other advantages while they are waiting for the period at which we have promised them a full participation of all our rights.

An unfortunate stranger, disgusted with tyranny at home, thinks he shall find freedom here; he accepts our conditions; he puts faith in our promises; he vests his all in our hands: he has dissolved his former connections and made your country his own; but while he is patiently waiting the expiration of the period that is to crown the work, entitle him to all the rights of a citizen, the tale of a domestic spy or the calumny of a

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secret enemy draws on him the suspicions of the President, and unheard he is ordered to quit the spot he had selected for his retreat, the country which he had chosen for his own, perhaps the family which was his only consolation in life; he is ordered to retire to a country whose government, irritated by his renunciation of its authority, will receive only to punish him — and all this, we are told, is no punishment!

So manifest do these violations of the constitution appear to me, so futile the arguments in their defence, that they press seriously on my mind and sink it even to despondency. They are so glaring to my understanding that I have felt it my duty to speak of them in a manner that may perhaps give offence to men whom I esteem and who seem to think differently on this subject; none, however, I can assure them, is intended. I have seen measures carried in this House which I thought militated against the spirit of the constitution; but never before have I been witness to so open, so wanton, so undisguised an attack.

I have now done, sir, with the bill, and come to consider the consequences of its operation. One of the most serious has been anticipated when I described the blow it would give to the constitution of our country. We should cautiously beware of the first act of violation; habituated to overleap its bounds, we become familiarized to the guilt, and disregard the danger of the second offence until, proceeding from one unauthorized act to another, we at length throw off all restraint which our constitution has imposed; and very soon not even the semblance of its form will remain.

But, if regardless of our duty as citizens and our solemn obligations as representatives; regardless of the rights of our constituents; regardless of every sanction, human and divine, we are ready to violate the constitution we have sworn to

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defend — will the people submit to our unauthorized acts? will the States sanction our usurped power? Sir, they ought not to submit — they would deserve the chains which these measures are forging for them if they did not resist. For let no man vainly imagine that the evil is to stop here; that a few unprotected aliens only are to be affected by this inquisitorial power. The same arguments which enforce those provisions against aliens apply with equal strength to enacting them in the case of citizens. The citizen has no other protection for his personal security, that I know, against laws like this than the humane provisions I have cited from the constitution.

But all these apply in common to the citizen and the stranger; all crimes are to be tried by jury: no person shall be held to answer unless on presentment: in all criminal prosecutions the accused is to have a public trial: the accused is to be informed of the nature of the charge; to be confronted with the witnesses against him; may have process to enforce the appearance of those in his favor, and is to be allowed counsel in his defence.

Unless, therefore, we can believe that treasonable machinations and the other offences described in the bill are not crimes, that an alien is not a person, and that one charged with treasonable practices is not accused — unless we can believe all this in contradiction to our understanding, to received opinions and the uniform practice of our courts, we must allow that all these provisions extend equally to alien and native, and that the citizen has no other security for his personal safety than is extended to the stranger who is within his gates.

If, therefore, this security is violated in one instance, what pledge have we that it will not be in the other? The same plea of necessity will justify both. Either the offences described in

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the act are crimes or they are not. If they are, then all the humane provisions of the constitution forbid this mode of punishing or preventing them, equally as relates to aliens and citizens. If they are not crimes, the citizen has no more safety by the constitution than the alien; for all these provisions apply only to crimes. So that in either event the citizen has the same reason to expect a similar law to the one now before you, which will subject his person to the uncontrolled despotism of a single man.

You have already been told of plots and conspiracies; and all the frightful images that are necessary to keep up the present system of terror and alarm have been presented to you; but who are implicated by these dark hints — these mysterious allusions? They are our own citizens, sir, not aliens. If there is any necessity for the system now proposed, it is more necessary to be enforced against our own citizens than against strangers; and I have no doubt that either in this or some other shape this will be attempted. I now ask, sir, whether the people of America are prepared for this? Whether they are willing to part with all the means which the wisdom of their ancestors discovered, and their own caution so lately adopted to secure their own persons? Whether they are willing to submit to imprisonment or exile whenever suspicion, calumny, or vengeance shall mark them for ruin? Are they base enough to be prepared for this? No, sir, they will, I repeat it, they will resist this tyrannical system; the people will oppose, the States will not submit to its operations; they ought not to acquiesce, and I pray to God they never may.

My opinions, sir, on this subject are explicit, and I wish they may be known; they are, that whenever our laws manifestly infringe the constitution under which they were made, the people ought not to hesitate which they should obey: if we

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exceed our powers we become tyrants and our acts have no effect. Thus, sir, one of the first effects of measures such as this, if they be acquiesced in, will be disaffection among the States and opposition among the people to your government; tumults, violations, and a recurrence to first revolutionary principles: if they are submitted to, the consequences will be worse. After such manifest violation of the principles of our constitution the form will not long be sacred; presently every vestige of it will be lost and swallowed up in the gulf of despotism. But should the evil proceed no further than the execution of the present law, what a fearful picture will our country present!

The system of espionage thus established, the country will swarm with information spies, delators, and all that odious tribe that breed in the sunshine of despotic power, that suck the blood of the unfortunate, and creep into the bosom of sleeping innocence only to awaken it with a burning wound. The hours of the most unsuspecting confidence, the intimacies of friendship, or the recesses of domestic retirement, afford no security: the companion whom you must trust, the friend in whom you must confide, the domestic who waits in your chamber, are all tempted to betray your imprudence or guardless follies, to misrepresent your words, to convey them, distorted by calumny, to the secret tribunal where jealousy presides, where fear officiates as accuser, where suspicion is the only evidence that is heard.

These, bad as they are, are not the only ill consequences of these measures. Among them we may reckon the loss of wealth, of population, and of commerce. Gentlemen who support the bill seemed to be aware of this when yesterday they introduced a clause to secure the property of those who might be ordered to go off. They should have foreseen the conse-

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quences of the steps which they have been taking: it is now too late to discover that large sums are drawn from the banks; that a great capital is taken from commerce. It is ridiculous to observe the solicitude they show to retain the wealth of these dangerous men, whose persons they are so eager to get rid of. If they wish to retain it, it must be by giving them security to their persons, and assuring them that while they respect the laws, the laws will protect them from arbitrary powers; it must be, in short, by rejecting the bill on your table. I might mention other inferior considerations: but I ought, sir, rather to entreat the pardon of the House for having touched on this. Compared to the breach of our constitution and the establishment of arbitrary power, every other topic is trifling; arguments of convenience sink into nothing; the preservation of wealth, the increase of commerce, however weighty on other occasions, here lose their importance, when the fundamental principles of freedom are in danger. I am tempted to borrow the impressive language of a foreign speaker, and exclaim — "Perish our commerce, let our constitution live;" perish our riches, let our freedom live. This, sir, would be the sentiment of every American were the alternative between submission and wealth: but here, sir, it is proposed to destroy our wealth in order to ruin our commerce: not in order to preserve our constitution, but to break it — not to secure our freedom, but to abandon it.

I have now done, sir, but before I sit down let me entreat gentlemen seriously to reflect before they pronounce the decisive vote that gives the first open stab to the principles of our government. Our mistaken zeal, like the patriarch of old, has bound one victim; it lies at the foot of the altar; a sacrifice of the first-born offspring of freedom is proposed by those who gave it birth. The hand is already raised to strike, and no

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ing, I fear, but the voice of heaven can arrest the impious blow.

Let not gentlemen flatter themselves that the fervor of the moment can make the people insensible to these aggressions. It is an honest, noble warmth, produced by an indignant sense of injury. It will never, I trust, be extinct while there is a proper cause to excite it. But the people of America, sir, though watchful against foreign aggressions, are not careless of domestic encroachment; they are as jealous, sir, of their liberties at home as of the power and prosperity of their country abroad; they will awake to a sense of their danger. Do not let us flatter ourselves, then, that these measures will be unobserved or disregarded: do not let us be told, sir, that we excite a fervor against foreign aggressions only to establish tyranny at home; that, like the arch-traitor, we cry, "Hail Columbia" at the moment we are betraying her to destruction; that we sing out, "happy land," when we are plunging it in ruin and disgrace; and that we are absurd enough to call ourselves "free and enlightened" while we advocate principles that would have disgraced the age of Gothic barbarity, and establish a code compared to which the ordeal is wise and the trial by battle is merciful and just.

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OTIS

HARRISON GRAY OTIS, an American statesman and orator, nephew of James Otis, was born in Boston, Massachusetts, October 8, 1765, and died there, October 28, 1848. He was graduated at Harvard with high honors in 1783, studied law, and was admitted to the bar in 1786. He soon distinguished himself in his profession, his polished manners and his eloquent oratory being equal factors in his success, and from 1797 to 1801 was a prominent Federalist member of Congress. He filled several official posts of importance in his native State, and, returning to Congress in 1817, sat for four years in the Senate. He took a conspicuous part in the famous Hartford Convention of 1814, a circumstance which led to his defeat when he was a candidate for the office of first mayor of Boston. He was, however, chosen mayor in 1829. His most famous speeches were his eulogy upon Hamilton, delivered in 1804, and his reply in the Senate to Pinkney on the admission of Missouri to the Union. His published writings comprise "Letters in Defence of the Hartford Convention," 1824; "Orations and Addresses."

EULOGY ON ALEXANDER HAMILTON

PRONOUNCED AT THE REQUEST OF THE CITIZENS OF BOSTON, JULY 26, 1804

WE ARE convened, afflicted fellow citizens, to perform the only duties which our republics acknowledge or fulfil to their illustrious dead: to present to departed excellence an oblation of gratitude and respect, to inscribe its virtues on the urn which contains its ashes, and to consecrate its example by the tears and sympathy of an affectionate people.

Must we, then, realize that Hamilton is no more! Must the sod, not yet cemented on the tomb of Washington, still moist with our tears, be so soon disturbed to admit the beloved companion of Washington, the partner of his dangers, the object of his confidence, the disciple who leaned upon his bosom!

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Insatiable Death! Will not the heroes and statesmen whom mad ambition has sent from the crimsoned fields of Europe suffice to people thy dreary dominions! Thy dismal avenues have been thronged with princely martyrs and illustrious victims. Crowns and sceptres, the spoils of royalty, are among thy recent trophies, and the blood of innocence and valor has flowed in torrents at thy inexorable command. Such have been thy ravages in the Old World. And in our infant country how small was the remnant of our revolutionary heroes which had been spared from thy fatal grasp! Could not our Warren, our Montgomery, our Mercer, our Greene, our Washington appease thy vengeance for a few short years! Shall none of our early patriots be permitted to behold the perfection of their own work in the stability of our government and the maturity of our institutions! Or hast thou predetermined, dread King of Terrors! to blast the world's best hope, and, by depriving us of all the conductors of our glorious Revolution, compel us to bury our liberties in their tombs!

O Hamilton! great would be the relief of my mind were I permitted to exchange the arduous duty of attempting to portray the varied excellence of thy character for the privilege of venting the deep and unavailing sorrow which swells my bosom at the remembrance of the gentleness of thy nature, of thy splendid talents and placid virtues! But, my respected friends, an indulgence of these feelings would be inconsistent with that deliberate recital of the services and qualities of this great man which is required by impartial justice and your expectations.

In governments which recognize the distinctions of splendid birth and titles, the details of illustrious lineage and connections become interesting to those who are accustomed to value those advantages. But in the man whose loss we

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deplore, the interval between manhood and death was so uniformly filled by a display of the energies of his mighty mind that the world has scarcely paused to inquire into the story of his infant or puerile years. He was a planet the dawn of which was not perceived; which rose with full splendor, and emitted a constant stream of glorious light until the hour of its sudden and portentous eclipse.

At the age of eighteen, while cultivating his mind at Columbia College, he was roused from the leisure and delights of scientific groves by the din of war. He entered the American army as an officer of artillery, and at that early period familiarized himself to wield both his sword and his pen in the service of his country. He developed at once the qualities which command precedency, and the modesty which conceals its pretensions. Frank, affable, intelligent, and brave, young Hamilton became the favorite of his fellow soldiers. His intuitive perception and correct judgment rendered him a rapid proficient in military science, and his merit silenced the envy which it excited.

A most honorable distinction now awaited him. He attracted the attention of the commander-in-chief, who appointed him an aid and honored him with his confidence and friendship. This domestic relation afforded to both, frequent means of comparing their opinions upon the policy and destinies of our country, upon the sources of its future prosperity and grandeur, upon the imperfection of its existing establishments; and to digest those principles which, in happier times might be interwoven into a more perfect model of government. Hence, probably, originated that filial veneration for Washington and adherence to his maxims which were ever conspicuous in the deportment of Hamilton; and hence the exalted esteem and predilection uniformly dis-

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played by the magnanimous patron to the faithful and affectionate pupil.

While the disasters of the American army, and the perseverance of the British ministry presented the gloomy prospect of protracted warfare, young Hamilton appeared to be content in his station and with the opportunities which he had of fighting by the side and executing the orders of his beloved chief. But the investment of the army of Cornwallis suddenly changed the aspect of affairs and rendered it probable that this campaign, if successful, would be the most brilliant and decisive of any that was likely to occur. It now appeared that his heart had long panted for an occasion to signalize his intrepidity and devotion to the service of his country.

He obtained, by earnest entreaties, the command of a detachment destined to storm the works of Yorktown. It is well known with what undaunted courage he pressed on to the assault, with unloaded arms presented his bosom to the dangers of the bayonet, carried the fort, and thus eminently contributed to decide the fate of the battle and of his country. But even here the impetuosity of the youthful conqueror was restrained by the clemency of the benevolent man: the butchery of the American garrison at New London would have justified and seemed to demand an exercise of the rigors of retaliation. This was strongly intimated to Colonel Hamilton, but we find in his report to his commanding officer, in his own words, that, "incapable of imitating examples of barbarity, and forgetting recent provocations, he spared every man who ceased to resist."

Having soon afterward terminated his military career, he returned to New York and qualified himself to commence practice as a counsellor at law. But the duties and emoluments of

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his profession were not then permitted to stifle his solicitude to give a correct tone to public opinion by the propagation of principles worthy of adoption by a people who had just undertaken to govern themselves. He found the minds of men chafed and irritated by the recollection of their recent sufferings and dangers. The city of New York, so long a garrison, presented scenes and incidents which naturally aggravated these dispositions, and too many were inclined to fan the flame of discord and mar the enjoyment and advantages of peace by fomenting the animosities engendered by the collisions of war.

To soothe these angry passions; to heal these wounds; to demonstrate the folly and inexpediency of scattering the bitter tares of national prejudice and private rancor among the seeds of public prosperity, were objects worthy of the heart and head of Hamilton. To these he applied himself, and by a luminous pamphlet assuaged the public resentment against those whose sentiments had led them to oppose the Revolution; and thus preserved from exile many valuable citizens who have supported the laws and increased the opulence of their native state.

From this period he appears to have devoted himself principally to professional occupations, which were multiplied by his increasing celebrity, until he became a member of the convention which met at Annapolis merely for the purpose of devising a mode of levying and collecting a general impost. Although the object of this convention was thus limited, yet so manifold, in his view, were the defects of the old confederation, that a reform in one particular would be ineffectual; he therefore first suggested the proposal of attempting a radical change in its principles; and the address to the people of the United States, recommending a general convention

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with more extensive powers, which was adopted by that assembly, was the work of his pen.

To the second convention, which framed the constitution, he was also deputed as a delegate from the State of New York.

In that assemblage of the brightest jewels of America the genius of Hamilton sparkled with pre-eminent lustre. The best of our orators were improved by the example of his eloquence. The most experienced of our statesmen were instructed by the solidity of his sentiments, and all were convinced of the utility and extent of his agency in framing the constitution.

When the instrument was presented to the people for their ratification, the obstacles incident to every attempt to combine the interests, views, and opinions of the various States threatened, in some of them, to frustrate the hopes and exertions of its friends. The fears of the timid, the jealousies of the ignorant, the arts of the designing, and the sincere conviction of the superficial, were arrayed into a formidable alliance in opposition to the system. But the magic pen of Hamilton dissolved this league. Animated by the magnitude of his object, he enriched the daily papers with the researches of a mind teeming with political information. In these rapid essays, written amid the avocations of business and under the pressure of the occasion, it would be natural to expect that much would require revision and correction. But in the mind of Hamilton nothing was superficial but resentment of injuries; nothing fugitive but those transient emotions which sometimes lead virtue astray. These productions of his pen are now considered as a standard commentary upon the nature of our government; and he lived to hear them quoted by his friends and adversaries, as high authority, in the tribunals of justice and in the legislature of the nation.

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When the constitution was adopted, and Washington was called to the presidency by his grateful country, our departed friend was appointed to the charge of the treasury department, and of consequence became a confidential member of the administration. In this new sphere of action he displayed a ductility and extent of genius, a fertility in expedients, a faculty of arrangement, an industry in application to business, and a promptitude in despatch, but, beyond all, a purity of public virtue and disinterestedness, which are too mighty for the grasp of my feeble powers of description.

Indeed, the public character of Hamilton and his measures from this period are so intimately connected with the history of our country that it is impossible to do justice to one without devoting a volume to the other. The treasury of the United States, at the time of his entrance upon the duties of his office, was literally a creature of the imagination and existed only in name, unless folios of unsettled balances and bundles of reproachful claims were deserving the name of a treasury.

Money there was none; and of public credit scarcely a shadow remained. No national system for raising and collecting a revenue had been attempted, and no estimate could be formed, from the experiments of the different States, of the probable result of any project of deriving it from commerce. The national debt was not only unpaid, but its amount was a subject of uncertainty and conjecture. Such was the chaos from which the secretary was called upon to elicit the elements of a regular system adequate to the immediate exigencies of a new and expensive establishment, and to an honorable provision for the public debt. His arduous duty was not to reform abuses, but to create resources; not to improve upon precedent, but to invent a model. In an ocean

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of experiment he had neither chart nor compass but those of his own invention. Yet such was the comprehensive vigor of his mind that his original projects possessed the hardihood of settled regulations. His sketches were little short of the perfection of finished pictures. In the first session of Congress he produced a plan for the organization of the treasury department and for the collection of a national revenue; and in the second, a report of a system for funding the national debt. Great objections were urged against the expediency of the principles assumed by him for the basis of his system; but no doubt remained of their effect. A dormant capital was revived, and with it commerce and agriculture awoke as from the sleep of death. By the enchantment of this "mighty magician" the beauteous fabric of public credit rose in full majesty upon the ruins of the old confederation; and men gazed with astonishment upon a youthful prodigy who at the age of thirty-three, having already been the ornament of the camp, the forum, and the senate, was now suddenly transformed into an accomplished financier and a self-taught adept, not only in the general principles, but the intricate details, of his new department.

It is not wonderful that such resplendent powers of doing right should have exposed him to the suspicion of doing wrong. He was suspected and accused. His political adversaries were his judges. Their investigation of his conduct and honorable acquittal added new lustre to his fame and confirmed the national sentiment that in his public character he was indeed "a man without fear and without reproach."

To his exertions in this department we are indebted for many important institutions. Among others, the plan of redeeming the public debt, and of a national bank to facilitate the operations of government, were matured and adopted

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under his auspices; and so complete were his arrangements that his successors, though men of undoubted talents, and one of them a political opponent, have found nothing susceptible of material improvement.

But the obligations of his country during this period were not confined to his merits as a financier.

The flame of insurrection was kindled in the western counties of Pennsylvania, and raged with such violence that large detachments of military force were marched to the scene of the disturbance, and the presence of the great Washington was judged necessary to quell the increasing spirit of revolt. He ordered the secretary to quit the duties of his department and attend him on the expedition. His versatile powers were immediately and efficaciously applied to restore the authority of the laws. The principal burden of the important civil and military arrangements requisite for this purpose devolved upon his shoulders. It was owing to his humanity that the leaders of this rebellion escaped exemplary punishment: and the successful issue was, in public and unqualified terms, ascribed to him by those whose political relations would not have prompted them to pay him the homage of unmerited praise.

He was highly instrumental in preserving our peace and neutrality, and saving us from the ruin which has befallen the republics of the Old World. Upon this topic I am desirous of avoiding every intimation which might prove offensive to individuals of any party. God forbid that the sacred sorrow in which we all unite should be disturbed by the mixture of any unkindly emotions! I would merely do justice to this honored shade without arraigning the motives of those who disapproved and opposed his measures.

The dangers which menaced our infant government at the

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commencement of the French revolution are no longer a subject of controversy. The principles professed by the first leaders of that revolution were so congenial to those of the American people; their pretences of aiming merely at the reformation of abuses were so plausible; the spectacle of a great people struggling to recover their "long-lost liberties" was so imposing and august; while that of a combination of tyrants to conquer and subjugate was so revolting; the services, received from one of the belligerent powers, and the injuries inflicted by the other, were so recent in our minds,—that the sensibility of the nation was excited to the most exquisite pitch.

To this disposition, so favorable to the wishes of France, every appeal was made which intrigue, corruption, flattery, and threats could dictate. At this dangerous and dazzling crisis there were but few men entirely exempt from the general delirium.

Among that few was Hamilton. His penetrating eye discerned, and his prophetic voice foretold, the tendency and consequence of the first revolutionary movements. He was assured that every people which should espouse the cause of France would pass under her yoke, and that the people of France, like every nation which surrenders its reason to the mercy of demagogues, would be driven by the storms of anarchy upon the shores of despotism. All this he knew was conformable to the invariable law of nature and experience of mankind. From the reach of this desolation he was anxious to save his country, and in the pursuit of his purpose he breasted the assaults of calumny and prejudice. "The torrent roared, and he did buffet it."

Appreciating the advantages of a neutral position, he co-operated with Washington, Adams, and the other patriots of that day in the means best adapted to maintain it. The

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rights and duties of neutrality, proclaimed by the President, were explained and enforced by Hamilton in the character of Pacificus. The attempts to corrupt and intimidate were resisted. The British treaty was justified and defended as an honorable compact with our natural friends, and pregnant with advantages which have since been realized and acknowledged by its opponents.

By this pacific and vigorous policy, in the whole course of which the genius and activity of Hamilton were conspicuous, time and information were afforded to the American nation, and correct views were acquired of our situation and interests. We beheld the republics of Europe march in procession to the funeral of their own liberties by the lurid light of the revolutionary torch. The tumult of the passions subsided, the wisdom of the administration was perceived, and America now remains a solitary monument in the desolated plains of liberty.

Having remained at the head of the treasury several years and filled its coffers, having developed the sources of an ample revenue and tested the advantages of his own system by his own experience, and having expended his private fortune, he found it necessary to retire from public employment and to devote his attention to the claims of a large and dear family. What brighter instance of disinterested honor has ever been exhibited to an admiring world!

That a man upon whom devolved the task of originating a system of revenue for a nation; of devising the checks in his own department; of providing for the collection of sums the amount of which was conjectural; that a man who anticipated the effects of a funding system yet a secret in his own bosom, and who was thus enabled to have secured a princely fortune consistently with principles esteemed fair by the world; that such a man, by no means addicted to an expensive or extrava-

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gant style of living, should have retired from office destitute of means adequate to the wants of mediocrity, and have resorted to professional labor for the means of decent support, are facts which must instruct and astonish those who, in countries habituated to corruption and venality, are more attentive to the gains than to the duties of official station. Yet Hamilton was that man. It was a fact, always known to his friends, and it is now evident from his testament, made under a deep presentiment of his approaching fate. Blush, then, ministers and warriors of imperial France, who have deluded your nation by pretensions to a disinterested regard for its liberties and rights! Disgorge the riches extorted from your fellow citizens and the spoils amassed from confiscation and blood! Restore to impoverished nations the price paid by them for the privilege of slavery and now appropriated to the refinements of luxury and corruption! Approach the tomb of Hamilton and compare the insignificance of your gorgeous palaces with the awful majesty of this tenement of clay!

We again accompany our friend in the walks of private life and in the assiduous pursuit of his profession until the aggressions of France compelled the nation to assume the attitude of defence. He was now invited by the great and enlightened statesman who had succeeded to the Presidency, and at the express request of the commander-in-chief, to accept of the second rank in the army. Though no man had manifested a greater desire to avoid war, yet it is freely confessed that when war appeared to be inevitable his heart exulted in " the tented field " and he loved the life and occupation of a soldier. His early habits were formed amid the fascinations of the camp. And though the pacific policy of Adams once more rescued us from war and shortened the existence of the army establishment, yet its duration was sufficient to secure to him the love

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and confidence of officers and men, to enable him to display the talents and qualities of a great general, and to justify the most favorable prognostics of his prowess in the field.

Once more this excellent man unloosed the helmet from his brow and returned to the duties of the forum. From this time he persisted in a firm resolution to decline all civil honors and promotion and to live a private citizen unless again summoned to the defence of his country. He became more than ever assiduous in his practice at the bar, and intent upon his plans of domestic happiness, until a nice and mistaken estimate of the claims of honor impelled him to the fatal act which terminated his life.

While it is far from my intention to draw a veil over this last great error, or in the least measure to justify a practice which threatens in its progress to destroy the liberty of speech and of opinion, it is but justice to the deceased to state the circumstances which should palliate the resentment that may be excited in some good minds toward his memory. From the last sad memorial which we possess from his hand, and in which, if our tears permit, we may trace the sad presage of the impending catastrophe, it appears that his religious principles were at variance with the practice of duelling, and that he could not reconcile his benevolent heart to shed the blood of an adversary in private combat, even in his own defence. It was, then, from public motives that he committed this great mistake. It was for the benefit of his country that he erroneously conceived himself obliged to make the painful sacrifice of his principles and to expose his life. The sober judgment of the man was confounded and misdirected by the jealous honor of the soldier; and he evidently adverted to the possibility of events that might render indispensable the esteem and confidence of soldiers as well as of citizens.

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But while religion mourns for this aberration of the judgment of a great man, she derives some consolation from his testimony in her favor. If she rejects the apology, she admits the repentance; and if the good example be not an atonement, it may be an antidote for the bad. Let us, then, in an age of infidelity, join, in imagination, the desolate group of wife and children and friends who surrounded the dying bed of the inquisitive, the luminous, the scientific Hamilton, and witness his attestation to the truth and comforts of our holy religion. Let us behold the lofty warrior bow his head before the cross of the meek and lowly Jesus; and he who had so lately graced the sumptuous tables and society of the luxurious and rich, now, regardless of these meaner pleasures, aspiring to be admitted to a sublime enjoyment with which no worldly joys can compare,—to a devout and humble participation of the Bread of Life. The religious fervor of his last moments was not an impulse of decaying nature yielding to its fears, but the result of a firm conviction of the truths of the gospel. I am well informed that in early life the evidences of the Christian religion had attracted his serious examination and obtained his deliberate assent to their truth, and that he daily, upon his knees, devoted a portion of time to a compliance with one of its most important injunctions: and that, however these edifying propensities might have yielded occasionally to the business and temptations of life, they always resumed their influence and would probably have prompted him to a public profession of his faith in his Redeemer.

Such was the untimely fate of Alexander Hamilton, whose character warrants the apprehension that, "take him for all in all, we ne'er shall look upon his like again."

Nature, even in the partial distribution of her favors, generally limits the attainments of great men within distinct and

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particular spheres of eminence. But he was the darling of nature and privileged beyond the rest of her favorites. His mind caught at a glance that perfect comprehension of a subject for which others are indebted to patient labor and investigation. In whatever department he was called to act he discovered an intuitive knowledge of its duties which gave him an immediate ascendency over those who had made them the study of their lives; so that, after running through the circle of office as a soldier, statesman, and financier, no question remained for which he had been qualified, but only in which he had evinced the most superlative merit. He did not dissemble his attachment to a military life, nor his consciousness of possessing talents for command; yet no man more strenuously advocated the rights of the civil over the military power, nor more cheerfully abdicated command and returned to the rank of the citizen when his country could dispense with the necessity of an army.

In his private profession, at a bar abounding with men of learning and experience, he was without a rival. He arranged, with the happiest facility, the materials collected in the vast storehouse of his memory, surveyed his subject under all its aspects, and enforced his arguments with such powers of reasoning that nothing was wanting to produce conviction and generally to ensure success. His eloquence combined the nervousness and copious elegance of the Greek and Roman schools and gave him the choice of his clients and his business. These wonderful powers were accompanied by a natural politeness and winning condescension which forestalled the envy of his brethren. Their hearts were gained before their pride was alarmed; and they united in their approbation of a pre-eminence which reflected honor on their fraternity.

From such talents, adorned by incorruptible honesty and

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boundless generosity, an immense personal influence over his political and private friends was inseparable; and by those who did not know him, and who saw the use to which ambition might apply it, he was sometimes suspected of views unpropitious to the nature of our government. The charge was inconsistent with the exertions he had made to render that government, in its present form, worthy of the attachment and support of the people, and his voluntary relinquishment of the means of ambition, the purse-strings of the nation. He was, indeed, ambitious, but not of power; he was ambitious only to convince the world of the spotless integrity of his administration and character. This was the key to the finest sensibilities of his heart. He shrunk from the imputation of misconduct in public life: and if his judgment ever misled him, it was only when warped by an excessive eagerness to vindicate himself at the expense of his discretion. To calumny in every other shape he opposed the defence of dignified silence and contempt.

Had such a character been exempt from foibles and frailties it would not have been human. Yet so small was the catalogue of these that they would have escaped observation but for the unparalleled frankness of his nature, which prompted him to confess them to the world. He did not consider greatness as an authority for habitual vice; and he repented with such contrition of casual error that none remained offended but those who never had a right to complain. The virtues of his private and domestic character comprised whatever conciliates affection and begets respect. To envy he was a stranger, and of merit and talents the unaffected eulogist and admirer. The charms of his conversation, the brilliance of his wit, his regard to decorum, his ineffable good humor, which led him down from the highest range of intellect to the level

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of colloquial pleasantry, will never be forgotten, perhaps never equalled.

To observe that such a man was dear to his family would be superfluous. To describe how dear, impossible. Of this we might obtain some adequate conception could we look into the retreat which he had chosen for the solace of his future years; which, enlivened by his presence, was so lately the mansion of cheerfulness and content; but now, alas! of lamentation and woe!

> "For him no more the blazing hearth shall burn,
> Or tender consort wait with anxious care;
> No children run to lisp their sire's return,
> Or climb his knees, the envied kiss to share."

With his eye upon the eternal world, this dying hero had been careful to prepare a testament almost for the sole purpose of bequeathing to his orphans the rich legacy of his principles; and having exhibited, in his last hours, to this little band the manner in which a Christian should die, he drops, in his flight to heaven, a summary of the principles by which a man of honor should live.

The universal sorrow manifested in every part of the Union upon the melancholy exit of this great man is an unequivocal testimonial of the public opinion of his worth. The place of his residence is overspread with a gloom which bespeaks the presence of a public calamity, and the prejudices of party are absorbed in the overflowing tide of national grief.

It is indeed a subject of consolation that diversity of political opinions has not yet extinguished the sentiment of public gratitude. There is yet a hope that events like these, which bring home to our bosoms the sensation of a common loss, may yet remind us of our common interest and of the times when with one accord we joined in the homage of respect to our living as well as to our deceased worthies.

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Should those days once more return, when the people of America, united as they once were united, shall make merit the measure of their approbation and confidence, we may hope for a constant succession of patriots and heroes. But should our country be rent by factions, and the merit of the man be estimated by the zeal of the partizan, irreparable will be the loss of those few men who, having once been esteemed by all, might again have acquired the confidence of all and saved their country in an hour of peril by their talents and virtues.

"So stream the sorrows that embalm the brave;
The tears which virtue sheds on glory's grave."

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MACKINTOSH

SIR JAMES MACKINTOSH, a British philosopher, statesman, and orator, was born at Aldourie, near Inverness, Scotland, October 24, 1765. After leaving King's College, Aberdeen, he studied medicine for a while at Edinburgh University, and in 1788 went to London, where he was married the following year. After a period devoted to literary work and the study of law he was called to the bar of Lincoln's Inn in 1795, where his eloquence as an advocate soon won the unstinted praise of all who heard him. In 1803 he was knighted and appointed recorder of Bombay, and after his further advancement in India to the post of judge of admiralty, he returned to England in 1812. He then entered Parliament as member for Nairn, and was soon prominent as a defender of liberal measures, although as a parliamentary debater he did not fully sustain the brilliant reputation gained in the court room. From 1818 to 1824 he was professor of law and general politics at Haileybury College, and in 1830, as commissioner of the Board of Control, took part in the inquiry into East Indian affairs. His death occurred in London, May 30, 1832. Mackintosh's most memorable speech was his defence of Peltier, delivered February 21, 1803. As a philosopher his style is somewhat obscure and his argument suffers from want of precision in thought. His writings include: "Disputatio Physiologica Inaugurantes de Actione Musculari" (1787); "Vindiciæ Gallicæ" (1791), an effective reply to Burke's "French Revolution;" "Discourse on the Law of Nature and Nations" (1799); "Speech in Defence of Peltier" (1803); "History of England" (1830); "Dissertation on the Progress of Ethical Philosophy" (1830); and "History of the Revolution in England in 1688."

ON THE TRIAL OF JEAN PELTIER

[In 1802 Mr. Peltier started a French newspaper in London called "L'Ambigu," and put on the frontispiece the figure of a sphinx (emblematic of mystery), with a head which strikingly resembled that of Bonaparte, wearing a crown. Its pages were filled with instances of the despotism of the First Consul, some violent and some ridiculous, and it was characterised, on the whole, by great bitterness, while one of the numbers directly hinted at the assassination of Bonaparte.

These things gave so much annoyance to Bonaparte that he actually demanded that the English government send Peltier out of the kingdom; and when this was refused he insisted, as France was then at peace with England, that Mr. Peltier should be prosecuted by the English attorney-general for "a libel on a friendly government!" upon which subject the laws of England were strict even to severity.]

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GENTLEMEN OF THE JURY,— The time is now come for me to address you in behalf of the unfortunate gentleman who is the defendant on this record.

I must begin with observing that though I know myself too well to ascribe to anything but to the kindness and good nature of my learned friend, the Attorney General, the unmerited praises which he has been pleased to bestow on me, yet, I will venture to say, he has done me no more than justice in supposing that in this place and on this occasion, where I exercise the functions of an inferior minister of justice,—an inferior minister, indeed, but a minister of justice still,—I am incapable of lending myself to the passions of any client, and that I will not make the proceedings of this court subservient to any political purpose. Whatever is respected by the laws and government of my country shall in this place be respected by me. In considering matters that deeply interest the quiet, the safety, and the liberty of all mankind, it is impossible for me not to feel warmly and strongly; but I shall make an effort to control my feelings, however painful that effort may be, and where I cannot speak out but at the risk of offending either sincerity or prudence I shall labor to contain myself and be silent.

I cannot but feel, gentlemen, how much I stand in need of your favorable attention and indulgence. The charge which I have to defend is surrounded with the most invidious topics of discussion; but they are not of my seeking. The case and the topics which are inseparable from it are brought here by the prosecutor. Here I find them, and here it is my duty to deal with them as the interests of Mr. Peltier seem to me to require. He, by his choice and confidence, has cast on me a very arduous duty which I could not decline and which I can still less

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betray. He has a right to expect from me a faithful, a zealous, and a fearless defence; and this his just expectation, according to the measure of my humble abilities, shall be fulfilled.

I have said a fearless defence. Perhaps that word was unnecessary in the place where I now stand. Intrepidity in the discharge of professional duty is so common a quality at the English bar that it has, thank God, long ceased to be a matter of boast or praise. If it had been otherwise, gentlemen, if the bar could have been silenced or overawed by power, I may presume to say that an English jury would not this day have been met to administer justice. Perhaps I need scarce say that my defence shall be fearless in a place where fear never entered any heart but that of a criminal. But you will pardon me for having said so much when you consider who the real parties before you are.

Gentlemen, the real prosecutor is the master of the greatest empire the civilized world ever saw. The defendant is a defenceless, proscribed exile. He is a French Royalist, who fled from his country in the autumn of 1792, at the period of that memorable and awful emigration when all the proprietors and magistrates of the greatest civilized country of Europe were driven from their homes by the daggers of assassins; when our shores were covered, as with the wreck of a great tempest, with old men, and women, and children, and ministers of religion, who fled from the ferocity of their countrymen as before an army of invading barbarians.

The greatest part of these unfortunate exiles—of those, I mean, who have been spared by the sword, who have survived the effect of pestilential climates or broken hearts—have been since permitted to revisit their country. Though despoiled of their all, they have eagerly embraced even the sad privilege of being suffered to die in their native land.

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Even this miserable indulgence was to be purchased by compliances, by declarations of allegiance to the new government, which some of these suffering Royalists deemed incompatible with their consciences, with their dearest attachments, and their most sacred duties. Among these last is Mr. Peltier. I do not presume to blame those who submitted, and I trust you will not judge harshly of those who refused. You will not think unfavorably of a man who stands before you as the voluntary victim of his loyalty and honor. If a revolution (which God avert) were to drive us into exile and to cast us on a foreign shore, we should expect, at least, to be pardoned by generous men for stubborn loyalty and unseasonable fidelity to the laws and government of our fathers.

This unfortunate gentleman had devoted a great part of his life to literature. It was the amusement and ornament of his better days. Since his own ruin and the desolation of his country he has been compelled to employ it as a means of support. For the last ten years he has been engaged in a variety of publications of considerable importance; but since the peace he has desisted from serious political discussion and confined himself to the obscure journal which is now before you, the least calculated, surely, of any publication that ever issued from the press, to rouse the alarms of the most jealous government; which will not be read in England because it is not written in our language; which cannot be read in France because its entry into that country is prohibited by a power whose mandates are not very supinely enforced nor often evaded with impunity; which can have no other object than that of amusing the companions of the author's principles and misfortunes, by pleasantries and sarcasms on their victorious enemies.

There is, indeed, gentlemen, one remarkable circumstance

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in this unfortunate publication; it is the only, or almost the only journal which still dares to espouse the cause of that royal and illustrious family which but fourteen years ago was flattered by every press and guarded by every tribunal in Europe. Even the court in which we are met affords an example of the vicissitudes of their fortune. My learned friend has reminded you that the last prosecution tried in this place at the instance of a French government was for a libel on that magnanimous princess who has since been butchered in sight of her palace.

I do not make these observations with any purpose of questioning the general principles which have been laid down by my learned friend. I must admit his right to bring before you those who libel any government recognized by his Majesty and at peace with the British empire. I admit that whether such a government be of yesterday or a thousand years old, whether it be a crude and bloody usurpation or the most ancient, just, and paternal authority upon earth, we are here equally bound, by his Majesty's recognition, to protect it against libellous attacks. I admit that if, during our usurpation, Lord Clarendon had published his history at Paris, or the Marquess of Montrose his verses on the murder of his sovereign, or Mr. Crowley his "Discourse on Cromwell's Government," and if the English ambassador had complained, the President De Molí, or any other of the great magistrates who then adorned the Parliament of Paris, however reluctantly, painfully, and indignantly, might have been compelled to have condemned these illustrious men to the punishment of libellers. I say this only for the sake of bespeaking a favorable attention, from your generosity and compassion, to what will be feebly urged in behalf of my unfortunate client, who has sacrificed his fortune, his hopes, his connections, his country,

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to his conscience; who seems marked out for destruction in this his last asylum.

That he still enjoys the security of this asylum, that he has not been sacrificed to the resentment of his powerful enemies, is perhaps owing to the firmness of the king's government. If that be the fact, gentlemen; if his Majesty's ministers have resisted applications to expel this unfortunate gentleman from England, I should publicly thank them for their firmness if it were not unseemly and improper to suppose that they could have acted otherwise — to thank an English government for not violating the most sacred duties of hospitality; for not bringing indelible disgrace on their country.

But be that as it may, gentlemen, he now comes before you perfectly satisfied that an English jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal; and he feels with me the most fervent gratitude to the Protector of empires that, surrounded as we are with the ruins of principalities and powers, we still continue to meet together, after the manner of our fathers, to administer justice in this her ancient sanctuary.

There is another point of view in which this case seems to me to merit your most serious attention. I consider it as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe. No man living is more thoroughly convinced than I am that my learned friend, Mr. Attorney General, will never degrade his excellent character; that he will never disgrace his high magistracy by mean compliances, by an immoderate and unconscientious exercise of power; yet I am convinced, by circumstances, which I shall now abstain from discussing, that I am to consider this as the first of a long series of conflicts

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between the greatest power in the world and the only free press now remaining in Europe.

Gentlemen, this distinction of the English press is new; it is a proud and melancholy distinction. Before the great earthquake of the French Revolution had swallowed up all the asylums of free discussion on the Continent, we enjoyed that privilege indeed more fully than others; but we did not enjoy it exclusively. In great monarchies the press has always been considered as too formidable an engine to be entrusted to unlicensed individuals.

But in other continental countries, either by the laws of the state or by long habits of liberality and toleration in magistrates, a liberty of discussion has been enjoyed perhaps sufficient for most useful purposes. It existed, in fact, where it was not protected by law; and the wise and generous connivance of governments was daily more and more secured by the growing civilization of their subjects. In Holland, in Switzerland, in the imperial towns of Germany, the press was either legally or practically free. Holland and Switzerland are no more; and since the commencement of this prosecution fifty imperial towns have been erased from the list of independent states by one dash of the pen. Three or four still preserve a precarious and trembling existence. I will not say by what compliances they must purchase its continuance. I will not insult the feebleness of states whose unmerited fall I do most bitterly deplore.

These governments were in many respects one of the most interesting parts of the ancient system of Europe. Unfortunately for the repose of mankind, great states are compelled, by regard to their own safety, to consider the military spirit and martial habits of their people as one of the main objects of their policy. Frequent hostilities seem almost the neces-

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sary condition of their greatness; and without being great they cannot long remain safe. Smaller states, exempted from this cruel necessity — a hard condition of greatness, a bitter satire on human nature — devoted themselves to the arts of peace, to the cultivation of literature, and the improvement of reason. They became places of refuge for free and fearless discussion; they were the impartial spectators and judges of the various contests of ambition which from time to time disturbed the quiet of the world.

They thus became peculiarly qualified to be the organs of that public opinion which converted Europe into a great republic with laws which mitigated though they could not extinguish ambition, and with moral tribunals to which even the most despotic sovereigns were amenable. If wars of aggrandizement were undertaken. their authors were arraigned in the face of Europe.

If acts of internal tyranny were perpetrated, they resounded from a thousand presses throughout all civilized countries. Princes on whose will there were no legal checks thus found a moral restraint which the most powerful of them could not brave with absolute impunity. They acted before a vast audience to whose applause or condemnation they could not be utterly indifferent. The very constitution of human nature, the unalterable laws of the mind of man, against which all rebellion is fruitless, subjected the proudest tyrants to this control. No elevation of power, no depravity however consummate, no innocence however spotless, can render man wholly independent of the praise or blame of his fellow men.

These governments were in other respects one of the most beautiful and interesting parts of our ancient system. The perfect security of such inconsiderable and feeble states, their undisturbed tranquillity amid the wars and conquests that sur-

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rounded them, attested, beyond any other part of the European system, the moderation, the justice, the civilization to which Christian Europe had reached in modern times.

Their weakness was protected only by the habitual reverence for justice which during a long series of ages had grown up in Christendom. This was the only fortification which defended them against those mighty monarchs to whom they offered so easy a prey. And till the French Revolution this was sufficient.

Consider, for instance, the situation of the Republic of Geneva. Think of her defenceless position, in the very jaws of France; but think also of her undisturbed security, of her profound quiet, of the brilliant success with which she applied to industry and literature while Louis XIV was pouring his myriads into Italy before her gates. Call to mind, if ages crowded into years have not effaced them from your memory, that happy period when we scarcely dreamed more of the subjugation of the feeblest republic of Europe than of the conquest of her mightiest empire; and tell me if you can imagine a spectacle more beautiful to the moral eye, or a more striking proof of progress in the noblest principles of true civilization.

These feeble states — these monuments of the justice of Europe — the asylum of peace, of industry, and of literature — the organs of public reason — the refuge of oppressed innocence and persecuted truth, have perished with those ancient principles which were their sole guardians and protectors. They have been swallowed up by that fearful convulsion which has shaken the uttermost corners of the earth. They are destroyed and gone forever.

One asylum of free discussion is still inviolate. There is still one spot in Europe where man can freely exercise his

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reason on the most important concerns of society, where he can boldly publish his judgment on the acts of the proudest and most powerful tyrants. The press of England is still free. It is guarded by the free constitution of our forefathers. It is guarded by the hearts and arms of Englishmen, and I trust I may venture to say that if it be to fall it will fall only under the ruins of the British empire.

It is an awful consideration, gentlemen. Every other monument of European liberty has perished. That ancient fabric which has been gradually reared by the wisdom and virtue of our fathers still stands. It stands, thanks be to God! solid and entire; but it stands alone, and it stands amid ruins.

In these extraordinary circumstances I repeat that I must consider this as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe. And I trust that you will consider yourselves as the advanced guard of liberty, as having this day to fight the first battle of free discussion against the most formidable enemy that it ever encountered. You will therefore excuse me if, on so important an occasion, I remind you, at more length than is usual, of those general principles of law and policy on this subject which have been handed down to us by our ancestors.

Those who slowly built up the fabric of our laws never attempted anything so absurd as to define, by any precise rule, the obscure and shifting boundaries which divide libel from history or discussion. It is a subject which, from its nature, admits neither rules nor definitions. The same words may be perfectly innocent in one case and most mischievous and libellous in another. A change of circumstances, often apparently slight, is sufficient to make the whole difference.

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These changes, which may be as numerous as the variety of human intentions and conditions, can never be foreseen nor comprehended under any legal definitions, and the framers of our law have never attempted to subject them to such definitions. They left such ridiculous attempts to those who call themselves philosophers, but who have, in fact, proved themselves most grossly and stupidly ignorant of that philosophy which is conversant with human affairs.

The principles of the law of England on the subject of political libel are few and simple, and they are necessarily so broad that without an habitually mild administration of justice they might encroach materially on the liberty of political discussion. Every publication which is intended to vilify either our own government or the government of any foreign state in amity with this kingdom is, by the law of England, a libel. To protect political discussion from the danger to which it would be exposed by these wide principles, if they were severely and literally enforced, our ancestors trusted to various securities—some growing out of the law and constitution, and others arising from the character of those public officers whom the constitution had formed, and to whom its administration is committed.

They trusted, in the first place, to the moderation of the legal officers of the Crown, educated in the maxims and imbued with the spirit of a free government, controlled by the superintending power of Parliament, and peculiarly watched in all political prosecutions by the reasonable and wholesome jealousy of their fellow subjects. And I am bound to admit that, since the glorious era of the revolution [1688], making due allowance for the frailities, the faults, and the occasional vices of men, they have, upon the whole, not been disappointed. [illegible] they [illegible]

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I know that in the hands of my learned friend that trust will never be abused. But, above all, they confided in the moderation and good sense of juries, popular in their origin, popular in their feelings, popular in their very prejudices, taken from the mass of the people, and immediately returning to that mass again. By these checks and temperaments they hoped that they should sufficiently repress malignant libels without endangering that freedom of inquiry which is the first security of a free state.

They knew that the offence of a political libel is of a very peculiar nature and differing in the most important particulars from all other crimes. In all other cases the most severe execution of law can only spread terror among the guilty; but in political libels it inspires even the innocent with fear. This striking peculiarity arises from the same circumstances which make it impossible to define the limits of libel and innocent discussion; which make it impossible for a man of the purest and most honorable mind to be always perfectly certain whether he be within the territory of fair argument and honest narrative, or whether he may not have unwittingly overstepped the faint and varying line which bounds them.

But, gentlemen, I will go further. This is the only offence where severe and frequent punishments not only intimidate the innocent, but deter men from the most meritorious acts and from rendering the most important services to their country. They indispose and disqualify men for the discharge of the most sacred duties which they owe to mankind. To inform the public on the conduct of those who administer public affairs requires courage and conscious security. It is always an invidious and obnoxious office; but it is often the most necessary of all public duties. If it is not done boldly it

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cannot be done effectually, and it is not from writers trembling under the uplifted scourge that we are to hope for it.

There are other matters, gentlemen, to which I am desirous of particularly calling your attention. These are the circumstances in the condition of this country which have induced our ancestors, at all times, to handle with more than ordinary tenderness that branch of the liberty of discussion which is applied to the conduct of foreign states. The relation of this kingdom to the commonwealth of Europe is so peculiar that no history, I think, furnishes a parallel to it.

From the moment in which we abandoned all projects of Continental aggrandizement we could have no interest respecting the state of the Continent but the interests of national safety and of commercial prosperity. The paramount interest of every state—that which comprehends every other—is security. And the security of Great Britain requires nothing on the Continent but the uniform observance of justice. It requires nothing but the inviolability of ancient boundaries and the sacredness of ancient possessions, which, on these subjects, is but another form of words for justice. A nation which is herself shut out from the possibility of Continental aggrandizement can have no interest but that of preventing such aggrandizement in others. We can have no interest of safety but the preventing of those encroachments which, by their immediate effects or by their example, may be dangerous to ourselves. We can have no interest or ambition respecting the Continent. So that neither our real nor even our apparent interest can ever be at variance with justice.

As to commercial prosperity, it is indeed a secondary, but it is still a very important branch of our national interests, and it requires nothing on the continent of Europe but the main-

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tenance of peace as far as the paramount interest of security will allow.

Whatever ignorant or prejudiced men may affirm, no war was ever gainful to a commercial nation. Losses may be less in some, and incidental profits may arise in others. But no such profits ever formed an adequate compensation for the waste of capital and industry which all wars must produce. Next to peace, our commercial greatness depends chiefly on the affluence and prosperity of our neighbors. A commercial nation has, indeed, the same interest in the wealth of her neighbors that a tradesman has in the wealth of his customers.

The prosperity of England has been chiefly owing to the general progress of civilized nations in the arts and improvements of social life. Not an acre of land has been brought into cultivation in the wilds of Siberia or on the shores of the Mississippi which has not widened tthe market for English industry. It is nourished by the progressive prosperity of the world, and it amply repays all that it has received. It can only be employed in spreading civilization and enjoyment over the earth; and by the unchangeable laws of nature, in spite of the impotent tricks of government, it is now partly applied to revive the industry of those very nations who are the loudest in their senseless clamors against its pretended mischiefs. If the blind and barbarous project of destroying English prosperity could be accomplished, it could have no other effect than that of completely beggaring the very countries who now stupidly ascribe their own poverty to our wealth.

Under these circumstances, gentlemen, it became the obvious policy of the kingdom, a policy in unison with the maxims of a free government, to consider with great indul-

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gence even the boldest animadversions of our political writers on the ambitious projects of foreign states.

Bold, and sometimes indiscreet as these animadversions might be, they had at least the effect of warning the people of their danger, and of rousing the national indignation against those encroachments which England has almost always been compelled in the end to resist by arms. Seldom, indeed, has she been allowed to wait till a provident regard to her own safety should compel her to take up arms in defence of others. For as it was said by a great orator of antiquity that no man ever was the enemy of the republic who had not first declared war against him, so I may say with truth that no man ever meditated the subjugation of Europe who did not consider the destruction or the corruption of England as the first condition of his success.

If you examine history you will find that no such project was ever formed in which it was not deemed a necessary preliminary either to detach England from the common cause or to destroy her. It seems as if all the conspirators against the independence of nations might have sufficiently taught other states that England is their natural guardian and protector; that she alone has no interest but their preservation; that her safety is interwoven with their own.

When vast projects of aggrandizement are manifested, when schemes of criminal ambition are carried into effect, the day of battle is fast approaching for England. Her free government cannot engage in dangerous wars without the hearty and affectionate support of her people. A state thus situated cannot without the utmost peril silence those public discussions which are to point the popular indignation against those who must soon be enemies. In domestic dissensions it may sometimes be the supposed interest of government to

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overawe the press. But it never can be even their apparent interest when the danger is purely foreign.

A king of England who in such circumstances should conspire against the free press of this country would undermine the foundations of his own throne; he would silence the trumpet which is to call his people round his standard.

Our ancestors never thought it their policy to avert the resentment of foreign tyrants by enjoining English writers to contain and repress their just abhorrence of the criminal enterprises of ambition. This great and gallant nation, which has fought in the front of every battle against the oppressors of Europe, has sometimes inspired fear, but, thank God, she has never felt it. We know that they are our real, and must soon become our declared foes. We know that there can be no cordial amity between the natural enemies and the independence of nations. We have never adopted the cowardly and short-sighted policy of silencing our press, of breaking the spirit and palsying the hearts of our people, for the sake of a hollow and precarious truce. We have never been base enough to purchase a short respite from hostilities by sacrificing the first means of defence,—the means of rousing the public spirit of the people and directing it against the enemies of their country and of Europe.

Gentlemen, the public spirit of a people, by which I mean the whole body of those affections which unite men's hearts to the commonwealth, is in various countries composed of various elements and depends on a great variety of causes. In this country I may venture to say that it mainly depends on the vigor of the popular parts and principles of our government, and that the spirit of liberty is one of its most important elements. Perhaps it may depend less on those advantages of a free government which are most highly estimated by

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calm reason than upon those parts of it which delight the imagination and flatter the just and natural pride of mankind.

Among these we are certainly not to forget the political rights which are not uniformly withheld from the lowest classes, and the continual appeal made to them in public discussion upon the greatest interests of the state. These are undoubtedly among the circumstances which endear to Englishmen their government and their country, and animate their zeal for that glorious institution which confers on the meanest of them a sort of distinction and nobility unknown to the most illustrious slaves who tremble at the frown of a tyrant.

Whoever were unwarily and rashly to abolish or narrow these privileges, which it must be owned are liable to great abuse and to very specious objections, might perhaps discover too late that he had been dismantling his country. Of whatever elements public spirit is composed, it is always and everywhere the chief defensive principle of a State. It is perfectly distinct from courage. Perhaps no nation, certainly no European nation, ever perished from an inferiority of courage. And undoubtedly no considerable nation was ever subdued in which the public affections were sound and vigorous. It is public spirit which binds together the dispersed courage of individuals and fastens it to the commonwealth.

It is, therefore, as I have said, the chief defensive principle of every country. Of all the stimulants which arouse it into action, the most powerful among us is certainly the press; and it cannot be restrained or weakened without imminent danger that the national spirit may languish, and that the people may act with less zeal and affection for their country in the hour of its danger.

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These principles, gentlemen, are not new — they are genuine old English principles. And though in our days they have been disgraced and abused by ruffians and fanatics, they are in themselves as just and sound as they are liberal; and they are the only principles on which a free state can be safely governed. These principles I have adopted since I first learned the use of reason, and I think I shall abandon them only with life.

On these principles I am now to call your attention to the libel with which this unfortunate gentleman is charged. I heartily rejoice that I concur with the greatest part of what has been said by my learned friend, Mr. Attorney General, who has done honor even to his character by the generous and liberal principles which he has laid down. He has told you that he does not mean to attack historical narrative. He has told you that he does not mean to attack political discussion He has told you, also, that he does not consider every intemperate word into which a writer, fairly engaged in narration or reasoning, might be betrayed, as a fit subject for prosecution.

The essence of the crime of libel consists in the malignant mind which the publication proves and from which it flows. A jury must be convinced, before they find a man guilty of libel, that his intention was to libel, not to state facts which he believed to be true, or reasonings which he thought just. My learned friend has told you that the liberty of history includes the right of publishing those observations which occur to intelligent men when they consider the affairs of the world; and I think he will not deny that it includes also the right of expressing those sentiments which all good men feel on the contemplation of extraordinary examples of depravity or excellence.

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One more privilege of the historian, which the Attorney General has not named, but to which his principles extend, it is now my duty to claim on behalf of my client; I mean the right of republishing, historically, those documents, whatever their original malignity may be, which display the character and unfold the intentions of governments, or factions, or individuals.

I think my learned friend will not deny that a historical compiler may innocently republish in England the most insolent and outrageous declaration of war ever published against his Majesty by a foreign government. The intention of the original author was to vilify and degrade his Majesty's government; but the intention of the compiler is only to gratify curiosity, or, perhaps, to rouse just indignation against the calumniator whose production he republishes. His intention is not libellous—his republication is therefore not a libel. Suppose this to be the case with Mr. Peltier. Suppose him to have republished libels with a merely historical intention. In that case it cannot be pretended that he is more a libeller than my learned friend, Mr. Abbott, who read these supposed libels to you when he opened the pleadings. Mr. Abbott republished them to you, that you might know and judge of them: Mr. Peltier, on the supposition I have made, also republished them, that the public might know and judge of them.

You already know that the general plan of Mr. Peltier's publication was to give a picture of the cabals and intrigues, of the hopes and projects of French factions. It is undoubtedly a natural and necessary part of this plan to republish all the serious and ludicrous pieces which these factions circulate against each other. The ode ascribed to Chenier or Ginguené I do really believe to have been written at Paris, to have been

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circulated there, to have been there attributed to some one of these writers, to have been sent to England as their work, and as such to have been republished by Mr. Peltier. But I am not sure that I have evidence to convince you of the truth of this. Suppose that I have not; will my learned friend say that my client must necessarily be convicted? I, on the contrary, contend that it is for my learned friend to show that it is not a historical republication. Such it professes to be, and that profession it is for him to disprove. The profession may indeed be "a mask;" but it is for my friend to pluck off the mask and expose the libeller before he calls upon you for a verdict of guilty.

If the general lawfulness of such republications be denied, then I must ask Mr. Attorney General to account for the long impunity which English newspapers have enjoyed. I must request him to tell you why they have been suffered to republish all the atrocious official and unofficial libels which have been published against his Majesty for the last ten years by the Brissots, the Marats, the Dantons, the Robespierres, the Barrères, the Talliens, the Reubells, the Merlins, the Barrases, and all that long line of bloody tyrants who oppressed their own country and insulted every other which they had not the power to rob.

What must be the answer?

That the English publishers were either innocent, if their motive was to gratify curiosity; or praiseworthy, if their intention was to rouse indignation against the calumniators of their country. If any other answer be made, I must remind my friend of a most sacred part of his duty — the duty of protecting the honest fame of those who are absent in the service of their country.

Within these few days we have seen, in every newspaper

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in England, a publication, called the Report of Colonel Sebastiani, in which a gallant British officer [General Stuart] is charged with writing letters to procure assassination. The publishers of that infamous report are not and will not be prosecuted, because their intention is not to libel General Stuart.

On any other principle, why have all our newspapers been suffered to circulate that most atrocious of all libels against the king and people of England, which purports to be translated from the "Moniteur" of the 9th of August, 1802,—a libel against a prince who has passed through a factious and stormy reign of forty-three years without a single imputation on his personal character; against a people who have passed through the severest trials of national virtue with unimpaired glory — who alone in the world can boast of mutinies without murder, of triumphant mobs without massacre, of bloodless revolutions, and of civil wars unstained by a single assassination.

That most impudent and malignant libel which charges such a king of such a people, not only with having hired assassins, but with being so shameless, so lost to all sense of character, as to have bestowed on these assassins, if their murderous projects had succeeded, the highest badges of public honor, the rewards reserved for statesmen and heroes,—the order of the Garter: the order which was founded by the heroes of Cressy and Poitiers; the garter which was worn by Henry the Great and Gustavus Adolphus; which might now be worn by the hero who, on the shores of Syria [Sir Sydney Smith]— the ancient theatre of English chivalry — has revived the renown of English valor and of English humanity,—that unsullied garter which a detestable libeller dares to say is to be paid as the price of murder. . . .

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I am aware, gentlemen, that I have already abused your indulgence, but I must entreat you to bear with me for a short time longer, to allow me to suppose a case which might have occurred, in which you will see the horrible consequences of enforcing rigorously principles of law, which I cannot counteract, against political writers. We might have been at peace with France during the whole of that terrible period which elapsed between August, 1792 and 1794, which has been usually called the reign of Robespierre,—the only series of crimes, perhaps, in history, which, in spite of the common disposition to exaggerate extraordinary facts. has been beyond measure underrated in public opinion.

I say this, gentlemen, after an investigation which I think entitles me to affirm it with confidence. Men's minds were oppressed by atrocity and the multitude of crimes; their humanity and their indolence took refuge in scepticism from such an overwhelming mass of guilt; and the consequence was that all these unparalleled enormities, though proved not only with the fullest historical but with the strictest judicial evidence, were at the time only half believed and are now scarcely half remembered.

When these atrocities were daily perpetrating, of which the greatest part are as little known to the public in general as the campaigns of Genghis Khan, but are still protected from the scrutiny of men by the immensity of those voluminous records of guilt in which they are related, and under the mass of which they will be buried till some historian be found with patience. and courage enough to drag them forth into light, for the shame, indeed, but for the instruction of mankind — when these crimes were perpetrating, which had the peculiar malignity, from the pretexts with which they were covered, of making the noblest objects of human pursuit seem odious

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and detestable; which has almost made the names of liberty, reformation, and humanity synonymous with anarchy, robbery, and murder; which thus threatened not only to extinguish every principle of improvement, to arrest the progress of civilized society, and to disinherit future generations of that rich succession which they were entitled to expect from the knowledge and wisdom of the present, but to destroy the civilization of Europe, which never gave such a proof of its vigor and robustness as in being able to resist their destructive power — when all these horrors were acting in the greatest empire of the continent, I will ask my learned friend, if we had then been at peace with France, how English writers were to relate them so as to escape the charge of libelling a friendly government.

When Robespierre, in the debates in the National Convention on the mode of murdering their blameless sovereign, objected to the formal and tedious mode of murder called a trial, and proposed to put him immediately to death, "on the principles of insurrection," because to doubt the guilt of the king would be to doubt the innocence of the Convention; and if the king were not a traitor, the Convention must be rebels; would my learned friend have had an English writer state all this with "decorum and moderation?" Would he have had an English writer state that though this reasoning was not perfectly agreeable to our national laws, or perhaps to our national prejudices, yet it was not for him to make any observations on the judicial proceedings of foreign states?

When Marat, in the same Convention, called for two hundred and seventy thousand heads, must our English writers have said that the remedy did indeed seem to their weak judgment rather severe; but that it was not for them to judge the conduct of so illustrious an assembly as the National Con-

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vention, or the suggestions of so enlightened a statesman as M. Marat?

When that Convention resounded with applause at the news of several hundred aged priests being thrown into the Loire, and particularly at the exclamation of Carrier, who communicated the intelligence, "What a revolutionary torrent is the Loire,"— when these suggestions and narrations of murder, which have hitherto been only hinted and whispered in the most secret cabals, in the darkest caverns of banditti, were triumphantly uttered, patiently endured, and even loudly applauded by an assembly of seven hundred men, acting in the sight of all Europe, would my learned friend have wished that there had been found in England a single writer so base as to deliberate upon the most safe, decorous, and polite manner of relating all these things to his countrymen?

When Carrier ordered five hundred children under fourteen years of age to be shot, the greater part of whom escaped the fire from their size; when the poor victims ran for protection to the soldiers and were bayoneted clinging round their knees! —would my friend——but I cannot pursue the strain of interrogation. It is too much. It would be a violence which I cannot practise on my own feelings. It would be an outrage to my friend. It would be an insult to humanity. No! Better, ten thousand times better, would it be that every press in the world were burned; that the very use of letters were abolished; that we were returned to the honest ignorance of the rudest times, than that the results of civilization should be made subservient to the purposes of barbarism; than that literature should be employed to teach a toleration for cruelty, to weaken moral hatred for guilt, to deprave and brutalize the human mind. I know that I speak my friend's feelings as

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well as my own when I say God forbid that the dread of any punishment should ever make any Englishman an accomplice in so corrupting his countrymen, a public teacher of depravity and barbarity!

Mortifying and horrible as the idea is, I must remind you, gentlemen, that even at that time, even under the reign of Robespierre, my learned friend, if he had then been Attorney General, might have been compelled by some most deplorable necessity to have come into this court to ask your verdict against the libellers of Barrère and Collot d'Herbois. Mr. Peltier then employed his talents against the enemies of the human race, as he has uniformly and bravely done. I do not believe that any peace, any political considerations, any fear of punishment would have silenced him. He has shown too much honor, and constancy, and intrepidity, to be shaken by such circumstances as these.

My learned friend might then have been compelled to have filed a criminal information against Mr. Peltier for "wickedly and maliciously intending to vilify and degrade Maximilian Robespierre, President of the Committee of Public Safety of the French Republic!" He might have been reduced to the sad necessity of appearing before you to belie his own better feelings, to prosecute Mr. Peltier for publishing those sentiments which my friend himself had a thousand times felt, and a thousand times expressed. He might have been obliged even to call for punishment upon Mr. Peltier for language which he and all mankind would forever despise Mr. Peltier if he were not to employ. Then, indeed, gentlemen, we should have seen the last humiliation fall on England; the tribunals, the spotless and venerable tribunals of this free country reduced to be the ministers of the vengeance of Robespierre! What could have rescued us from this last disgrace? The

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honesty and courage of a jury. They would have delivered the judges of this country from the dire necessity of inflicting punishment on a brave and virtuous man because he spoke truth of a monster. They would have despised the threats of a foreign tyrant, as their ancestors braved the power of oppression at home.

In the court where we are now met, Cromwell twice sent a satirist on his tyranny to be convicted and punished as a libeller; and in this court, almost in sight of the scaffold streaming with the blood of his sovereign, within hearing of the clash of his bayonets which drove out Parliament with contumely, two successive juries rescued the intrepid satirist [Lilburne] from his fangs, and sent out with defeat and disgrace the usurper's Attorney General from what he had the insolence to call his court! Even then, gentlemen, when all law and liberty were trampled under the feet of a military banditti; when those great crimes were perpetrated on a high place and with a high hand against those who were the objects of public veneration, which, more than anything else, break their spirits and confound their moral sentiments, obliterate the distinctions between right and wrong in their understanding, and teach the multitude to feel no longer any reverence for that justice which they thus see triumphantly dragged at the chariot-wheels of a tyrant; even then, when this unhappy country, triumphant, indeed, abroad, but enslaved at home, had no prospect but that of a long succession of tyrants wading through slaughter to a throne,—even then, I say, when all seemed lost, the unconquerable spirit of English liberty survived in the hearts of English jurors. That spirit is, I trust in God, not extinct; and if any modern tyrant were, in the drunkenness of his insolence, to hope to overawe an English jury, I trust and I believe that they would tell him,

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"Our ancestors braved the bayonets of Cromwell; we bid defiance to yours." "*Contempsi Catilinæ gladios—non pertimescam tuos!*"[1]

What could be such a tyrant's means of overawing a jury? As long as their country exists they are girt round with impenetrable armor. Till the destruction of their country no danger can fall upon them for the performance of their duty, and I do trust that there is no Englishman so unworthy of life as to desire to outlive England. But if any of us are condemned to the cruel punishment of surviving our country; if, in the inscrutable councils of Providence, this favored seat of justice and liberty, this noblest work of human wisdom and virtue, be destined to destruction, which I shall not be charged with national prejudice for saying would be the most dangerous wound ever inflicted on civilization; at least let us carry with us into our sad exile the consolation that we ourselves have not violated the rights of hospitality to exiles, that we have not torn from the altar the suppliant who claimed protection as the voluntary victim of loyalty and conscience!

Gentlemen, I now leave this unfortunate gentleman in your hands. His character and his situation might interest your humanity; but on his behalf I only ask justice from you. I only ask a favorable construction of what cannot be said to be more than ambiguous language, and this you will soon be told, from the highest authority, is a part of justice.

[The jury found the defendant guilty, without leaving their seats; but as war broke out almost immediately, Mr. Peltier was not brought up for sentence, but was at once discharged.]

[1] "I have despised the daggers of Catiline, and I shall not fear yours."

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BAYARD

JAMES ASHETON BAYARD, an American statesman, was born in Philadelphia, July 28, 1767. He was educated at Princeton College, and after his admission to the bar in 1787, settled in Wilmington, Delaware, for the practice of his profession. He entered Congress in 1796 as a strong Federalist and served four terms as representative, distinguishing himself meanwhile as both an orator and a Federalist leader. When the decision between Jefferson and Burr was referred to the House of Representatives in 1800, Bayard's influence, with that of Hamilton, was instrumental in securing the presidency to Jefferson. In his last term Bayard spoke very ably in opposition to the repeal of the judiciary bill. As United States Senator from 1805 to 1813 he was still conspicuous as a Federalist, and he strongly opposed the second war with England. He was a prominent figure as one of the commissioners in the negotiations for peace at Ghent in 1815, but was taken ill soon after, and, returning home to America, died at Wilmington, August 6, 1815. Bayard was profoundly versed in constitutional law and spoke often and vigorously in its defence. No collection of his orations has ever been made, but single speeches were published during his lifetime. His son, who bore the same name, and his grandson, Thomas Bayard, have been honorably conspicuous in American politics.

SPEECH ON THE JUDICIARY

DELIVERED IN THE UNITED STATES HOUSE OF REPRESENTATIVES FEBRUARY 19, 1802

MR. CHAIRMAN,— I must be allowed to express my surprise at the course pursued by the honorable gentleman from Virginia, Mr. Giles, in the remarks which he has made on the subject before us. I had expected that he would have adopted a different line of conduct. I had expected it as well from that sentiment of magnanimity which ought to have been inspired by a sense of the high ground he holds on the floor of this House, as from the professions of a desire to conciliate, which he has so repeatedly made during the session.

We have been invited to bury the hatchet and brighten the

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chain of peace. We were disposed to meet on middle ground. We had assurances from the gentleman that he would abstain from reflections on the past, and that his only wish was that we might unite in future in promoting the welfare of our common country. We confided in the gentleman's sincerity, and cherished the hope that if the divisions of party were not banished from the House its spirit would be rendered less intemperate. Such were our impressions when the mask was suddenly thrown aside and we saw the torch of discord lighted and blazing before our eyes. Every effort has been made to revive the animosities of the House and inflame the passions of the nation. I am at no loss to perceive why this course has been pursued. The gentleman has been unwilling to rely upon the strength of his subject, and has therefore determined to make the measure a party question. He has probably secured success, but would it not have been more honorable and more commendable to have left the decision of a great constitutional question to the understanding, and not to the prejudices of the House?

It was my ardent wish to discuss the subject with calmness and deliberation, and I did intend to avoid every topic which could awaken the sensibility of party. This was my temper and design when I took my seat yesterday. It is a course at present we are no longer at liberty to pursue. The gentleman has wandered far, very far, from the points of the debate, and has extended his animadversions to all the prominent measures of the former administrations. In following him through his preliminary observations I necessarily lose sight of the bill upon your table.

The gentleman commenced his strictures with the philosophic observation that it was the fate of mankind to hold different opinions as to the form of government which was

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preferable; that some were attached to the monarchical, while others thought the republican more eligible. This, as an abstract remark, is certainly true, and could have furnished no ground of offence, if it had not evidently appeared that an allusion was designed to be made to the parties in this country.

Does the gentleman suppose that we have a less lively recollection than himself of the oath which we have taken to support the constitution; that we are less sensible of the spirit of our government, or less devoted to the wishes of our constituents? Whatever impression it might be the intention of the gentleman to make, he does not believe that there exists in the country an anti-republican party.

He will not venture to assert such an opinion on the floor of this House. That there may be a few individuals having a preference for monarchy is not improbable; but will the gentleman from Virginia, or any other gentleman, affirm in his place that there is a party in the country who wish to establish monarchy? Insinuations of this sort belong not to the legislature of the Union. Their place is an election-ground or an alehouse. Within these walls they are lost; abroad they have had an effect, and I fear are still capable of abusing popular credulity.

We were next told of the parties which have existed, divided by the opposite views of promoting executive power and guarding the rights of the people. The gentleman did not tell us in plain language, but he wished it to be understood, that he and his friends were the guardians of the people's rights, and that we were the advocates of executive power.

I know that this is the distinction of party which some gentlemen have been anxious to establish; but it is not the ground on which we divide. I am satisfied with the constitu-

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tional powers of the executive, and never wished or attempted to increase them; and I do not believe that gentlemen on the other side of the House ever had a serious apprehension of danger from an increase of executive authority. No, sir, our views as to the powers which do and ought to belong to the general and State governments are the true sources of our divisions. I co-operate with the party to which I am attached because I believe their true object and end is an honest and efficient support of the general government in the exercise of the legitimate powers of the constitution.

I pray to God I may be mistaken in the opinion I entertain as to the designs of gentlemen to whom I am opposed. Those designs I believe hostile to the powers of this government. State pride extinguishes a national sentiment. Whatever power is taken from this government is given to the States.

The ruins of this government aggrandize the States. There are States which are too proud to be controlled; whose sense of greatness and resource renders them indifferent to our protection, and induces a belief that if no general government existed their influence would be more extensive and their importance more conspicuous. There are gentlemen who make no secret of an extreme point of depression to which the government is to be sunk. To that point we are rapidly progressing.

But I would beg gentlemen to remember that human affairs are not to be arrested in their course at artificial points. The impulse now given may be accelerated by causes at present out of view. And when those who now design well wish to stop, they may find their powers unable to resist the torrent. It is not true that we ever wished to give a dangerous strength to executive power.

While the government was in our hands it was our duty to

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maintain its constitutional balance by preserving the energies of each branch. There never was an attempt to vary the relation of its powers. The struggle was to maintain the constitutional powers of the executive. The wild principles of French liberty were scattered through the country. We had our Jacobins and disorganizers. They saw no difference between a king and a president, and as the people of France had put down their king, they thought the people of America ought to put down their president.

They who considered the constitution as securing all the principles of rational and practicable liberty, who were unwilling to embark upon the tempestuous sea of revolution in pursuit of visionary schemes, were denounced as monarchists. A line was drawn between the government and the people, and the friends of the government were marked as the enemies of the people. I hope, however, that the government and the people are now the same; and I pray to God that what has been frequently remarked may not in this case be discovered to be true, that they who have the name of the people the most often in their mouths have their true interests the most seldom at their hearts.

The honorable gentleman from Virginia wandered to the very confines of the federal administration in search of materials the most inflammable and most capable of kindling the passions of his party. . . .

The gentleman has not confined his animadversions to the individual establishment, but has gone so far as to make the judges the subject of personal invective. They have been charged with having transgressed the bounds of judicial duty, and become the apostles of a political sect. We have heard of their travelling about the country for little other purpose than to preach the federal doctrines to the people.

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Sir, I think a judge should never be a partisan. No man would be more ready to condemn a judge who carried his political prejudices or antipathies on the bench. But I have still to learn that such a charge can be sustained against the judges of the United States.

The constitution is the supreme law of the land, and they have taken pains, in their charges to grand juries, to unfold and explain its principles. Upon similar occasions they have enumerated the laws which compose our criminal code, and when some of those laws have been denounced by the enemies of the administration as unconstitutional the judges may have felt themselves called upon to express their judgments upon that point, and the reasons of their opinions.

So far, but no further, I believe the judges have gone; in going thus far they have done nothing more than faithfully discharge their duty.

But if, sir, they have offended against the constitution or laws of the country, why are they not impeached? The gentleman now holds the sword of justice; the judges are not a privileged order, they have no shelter but their innocence.

But in any view are the sins of the former judges to be fastened upon the new judicial system? Would you annihilate a system because some men under part of it had acted wrong? The constitution has pointed out a mode of punishing and removing the men, and does not leave this miserable pretext for the wanton exercise of powers which is now contemplated.

The honorable member has thought himself justified in making a charge of a serious and frightful nature against the judges. They have been represented as going about searching out victims of the sedition law. But no fact has been stated, no proof has been adduced, and the gentleman must excuse

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me for refusing my belief to the charge till it is sustained by stronger and better ground than assertion.

If, however, Mr. Chairman, the eyes of the gentleman are delighted with victims, if objects of misery are grateful to his feelings, let me turn his view from the walks of the judges to the track of the present executive. It is in this path we see the real victims of stern, uncharitable, unrelenting power. It is here, sir, we see the soldier who fought the battles of the Revolution, who spilt his blood and wasted his strength to establish the independence of his country, deprived of the reward of his services and left to pine in penury and wretchedness.

It is along this path that you may see helpless children crying for bread, and gray hairs sinking in sorrow to the grave! It is here that no innocence, no merit, no truth, no services, can save the unhappy sectary who does not believe in the creed of those in power. I have been forced upon this subject, and before I leave it allow me to remark that without inquiring into the right of the President to make vacancies in office during the recess of the Senate, but admitting the power to exist, yet that it never was given by the constitution to enable the chief magistrate to punish the insults, to revenge the wrongs, or to indulge the antipathies of the man.

If the discretion exists I have no hesitation in saying that it is abused when exercised from any other motives than the public good. And when I see the will of a President precipitating from office men of probity, knowledge, and talents, against whom the community has no complaint, I consider it as a wanton and dangerous abuse of power. And when I see men who have been the victims of this abuse of power I view them as the proper objects of national sympathy and commiseration.

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Among the causes of impeachment against the judges is their attempt to force the sovereignties of the States to bow before them. We have heard them called an ambitious body politic, and the fact I allude to has been considered as full proof of the inordinate ambition of the body.

Allow me to say, sir, the gentleman knows too much not to know that the judges are not a body politic. He supposed, perhaps, there was an odium attached to the appellation, which it might serve his purposes to connect with the judges. But, sir, how do you derive any evidence of the ambition of the judges from their decision that the States, under our federal compact, were compellable to do justice? Can it be shown, or even said, that the judgment of the court was a false construction of the constitution?

The policy of later times on this point has altered the constitution, and in my opinion has obliterated its fairest feature. I am taught by my principles that no power ought to be superior to justice. It is not that I wish to see the States humbled in dust and ashes; it is not that I wish to see the pride of any man flattered by their degradation; but it is that I wish to see the great and the small, the sovereign and the subject, bow at the altar of justice and submit to those obligations from which the Deity himself is not exempt.

What was the effect of this provision in the constitution?

It prevented the States being the judges in their own cause, and deprived them of the power of denying justice. Is there a principle of ethics more clear than that a man ought not to be a judge in his own cause? and is not the principle equally strong when applied, not to one man but to a collective body? It was the happiness of our situation which enabled us to force the greatest State to submit to the yoke of justice, and it would have been the glory of the country in the remotest

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times if the principle in the constitution had been maintained. What had the States to dread? Could they fear injustice when opposed to a feeble individual? Has a great man reason to fear from a poor one? And could a potent State be alarmed by the unfounded claim of a single person? For my part I have always thought that an independent tribunal ought to be provided to judge on the claims against this government.

The power ought not to be in our own hands. We are not impartial, and are therefore liable, without our knowledge, to do wrong. I never could see why the whole community should not be bound by as strong an obligation to do justice to an individual as one man is bound to do it to another.

In England the subject has a better chance for justice against the sovereign than in this country a citizen has against a State. The Crown is never its own arbiter, and they who sit in judgment have no interest in the event of their decision. . . .

Let me now suppose that, in our frame of government, the judges are a check upon the legislature; that the constitution is deposited in their keeping. Will you say afterward, that their existence depends upon the legislature?—that the body whom they are to check has the power to destroy them? Will you say that the constitution may be taken out of their hands by a power the most to be distrusted because the only power which could violate it with impunity? Can anything be more absurd than to admit that the judges are a check upon the legislature, and yet to contend that they exist at the will of the legislature? A check must necessarily imply a power commensurate to its end. The political body designed to check another must be independent of it, otherwise there can be no check. What check can there be when the power

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designed to be checked can annihilate the body which it is to restrain?

I go further, Mr. Chairman, and take a stronger ground. I say, in the nature of things, the dependence of the judges upon the legislature, and their right to declare the acts of the legislature void, are repugnant and cannot exist together. The doctrine, sir, supposes two rights: first, the right of the legislature to destroy the office of the judge, and the right of the judge to vacate the act of the legislature. You have a right to abolish by a law the offices of the judges of the circuit courts; they have a right to declare the law void. It unavoidably follows, in the exercise of these rights, either that you destroy their rights or that they destroy yours.

This doctrine is not a harmless absurdity, it is a most dangerous heresy. It is a doctrine which cannot be practised without producing, not discord only, but bloodshed. If you pass the bill upon your table, the judges have a constitutional right to declare it void. I hope they will have courage to exercise that right; and if, sir, I am called upon to take my side, standing acquitted in my conscience and before my God of all motives but the support of the constitution of my country, I shall not tremble at the consequences.

The constitution may have its enemies, but I know that it has also its friends. I beg gentlemen to pause before they take this rash step. There are many, very many, who believe, if you strike this blow, you inflict a mortal wound on the constitution. There are many now willing to spill their blood to defend that constitution. Are gentlemen disposed to risk the consequences? Sir, I mean no threats: I have no expectation of appalling the stout hearts of my adversaries; but if gentlemen are regardless of themselves let them consider their wives and children, their neighbors and their friends. Will

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they risk civil dissension, will they hazard the welfare, will they jeopardize the peace of the country, to save a paltry sum of money, less than thirty thousand dollars?

Mr. Chairman, I am confident that the friends of this measure are not apprised of the nature of its operation, nor sensible of the mischievous consequences which are likely to attend it. Sir, the morals of your people, the peace of the country, the stability of the government, rest upon the maintenance of the independence of the judiciary.

It is not of half the importance in England that the judges should be independent of the Crown as it is with us that they should be independent of the legislature. Am I asked, would you render the judges superior to the legislature? I answer, no, but co-ordinate. Would you render them independent of the legislature? I answer, yes, independent of every power on earth while they behave themselves well. The essential interests, the permanent welfare of society, require this independence; not, sir, on account of the judge; that is a small consideration, but on account of those between whom he is to decide. You calculate on the weaknesses of human nature, and you suffer the judge to be dependent on no one lest he should be partial to those on whom he depends. Justice does not exist where partiality prevails. A dependent judge cannot be impartial. Independence is therefore essential to the purity of your judicial tribunals.

Let it be remembered that no power is so sensibly felt by society as that of the judiciary. The life and property of every man is liable to be in the hands of the judges. Is it not our great interest to place our judges upon such high ground that no fear can intimidate, no hope seduce them? The present measure humbles them in the dust, it prostrates them at the feet of faction, it renders them the tools of every

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dominant party. It is this effect which I deprecate, it is this consequence which I deeply deplore. What does reason, what does argument avail, when party spirit presides? Subject your bench to the influence of this spirit, and justice bids a final adieu to your tribunals. We are asked, sir, if the judges are to be independent of the people. The question presents a false and delusive view. We are all the people. We are, and as long as we enjoy our freedom we shall be divided into parties. The true question is, shall the judiciary be permanent, or fluctuate with the tide of public opinion? I beg, I implore gentlemen to consider the magnitude and value of the principle which they are about to annihilate. If your judges are independent of political changes they may have their preferences, but they will not enter into the spirit of party. But let their existence depend upon the support of the power of a certain set of men, and they cannot be impartial. Justice will be trodden under foot. Your courts will lose all public confidence and respect.

The judges will be supported by their partisans, who in their turn will expect impunity for the wrongs and violence they commit. The spirit of party will be inflamed to madness, and the moment is not far off when this fair country is to be desolated by a civil war.

Do not say that you render the judges dependent only on the people. You make them dependent on your President. This is his measure. The same tide of public opinion which changes a President will change the majorities in the branches of the legislature. The legislature will be the instrument of his ambition, and he will have the courts as the instruments of his vengeance. He uses the legislature to remove the judges, that he may appoint creatures of his own. In effect the powers of the government will be concentrated in the hands

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of one man, who will dare to act with more boldness because he will be sheltered from responsibility. The independence of the judiciary was the felicity of our constitution. It was this principle which was to curb the fury of party on sudden changes. The first movements of power gained by a struggle are the most vindictive and intemperate. Raised above the storm, it was the judiciary which was to control the fiery zeal and to quell the fierce passions of a victorious faction.

We are standing on the brink of that revolutionary torrent which deluged in blood one of the fairest countries of Europe.

France had her national Assembly, more numerous and equally popular with our own. She had her tribunals of justice and her juries. But the legislature and her courts were but the instruments of her destruction. Acts of proscription and sentences of banishment and death were passed in the cabinet of a tyrant. Prostrate your judges at the feet of party, and you break down the mounds which defend you from this torrent.

I am done. I should have thanked my God for greater power to resist a measure so destructive to the peace and happiness of the country. My feeble efforts can avail nothing. But it was my duty to make them. The meditated blow is mortal, and from the moment it is struck we may bid a final adieu to the constitution.

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MOREAU

JEAN VICTOR MOREAU, a famous French general, was born at Morlaix, Bretagne, August 11, 1767. He at first studied law, his father's profession, but on the outbreak of the Revolution he commanded the volunteers of Rennes, served under Dumouriez in 1793, and the following year was made general of a division and took part in reducing Belgium and Holland. In 1796 he was promoted to be chief in command on the Rhine and Moselle, and after a series of brilliant victories drove the Austrians back to the Danube. After Jourdain's defeat he made a masterly retreat to the Rhine, but, being suspected of complicity with Pichegru in his Bourbon conspiracy, he was deprived of his command. In 1798 he took command of the army in Italy and saved it from destruction by the Russians. On his return to France he was offered the dictatorship by the party of Sieyès, but declined it, and on the 18th Brumaire (November 9, 1799) sided with Napoleon. He was again given command of the army of the Rhine, and, after gaining more victories than any other general of the time, he drove the Austrians back behind the Inn and finally secured his position by the decisive battle of Hohenlinden. Napoleon finally grew jealous of him and accused him of being in the conspiracy of Cadoudal. Public sentiment was wholly on his side, as was shown by many incidents at the trial which took place in 1804, but in spite of his own impressive speech here reproduced and the efforts of his able advocates he was sentenced to banishment. He settled in New Jersey, but, returning to Europe, he accompanied the Emperor of Russia in the march against Dresden, where on August 27, 1813, both legs were broken by a cannon-ball. He died September 2, 1813, and was buried at St. Petersburg.

SPEECH IN HIS OWN DEFENCE

DELIVERED BEFORE THE SPECIAL CRIMINAL COURT, 16TH PRAIRIAL (JUNE 5), 1804

IN PRESENTING myself before you, I ask to be heard, for a short time, in my own person. My confidence in the defenders whom I have chosen is complete; I have unreservedly laid upon them the charge of defending my innocence. It is by their voice that I desire to address justice, but I feel the need of speaking with my own to you and to the nation.

Unfortunate circumstances, whether brought about by chance or produced by enmity, may cast a shadow upon some

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moments of the life of the worthiest of men. A criminal may cleverly contrive to divert suspicion and proof of his crimes. The whole of a life is always the surest testimony against or in favor of an accused person. It is, then, my entire life that I oppose to the accusers who pursue me. It has been sufficiently public to be well known; I shall only recall certain epochs of it, and the witnesses whom I shall invoke are the French people and the peoples whom France has conquered.

I was intended for the profession of the law at the beginning of the revolution which was to found the liberty of the French people. That event changed the purpose of my life; I devoted myself to arms. I did not go and take my place among the soldiers of freedom from ambition; I embraced the military profession from respect for the rights of nations; I became a soldier because I was a citizen.

I bore that character with the colors; I have always preserved it. The more I loved liberty, the more submissive to discipline I was.

I rose rapidly enough, but always from rank to rank, never overstepping any, always by serving the country, never by flattering the committees. When I had attained the command-in-chief, when our victories sent us forward into the midst of nations who were our enemies, I was no less careful to make the character of the French people respected than I was to make their arms dreaded. War under my command was a scourge upon the battle-fields only. The nations and the powers with whom we waged war have more than once borne that testimony to me in the midst of their ravaged territories. This conduct was, in my belief, as well calculated as our victories to make conquests for France.

Even at the time when opposite maxims seemed to prevail

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in the committees of the government, this line of action did not expose me to either calumny or persecution. No shadow had ever fallen upon the military glory which I had won, until that too famous day, the 18th Fructidor.

The persons who brought about the events of that day with so much rapidity reproached me with having been too slow to denounce a man whom I could only regard as a brother-in-arms until the moment when the evidence of facts and proofs made it plain to me that he was justly accused, and not only by unjust suspicion. The Directory, which alone was sufficiently well acquainted with my conduct to judge it fairly, and could not, as everybody knows, be disposed to regard me with indulgence, loudly declared how entirely irreproachable it held me to be. It gave me employment; the post was not brilliant; it soon became so.

I venture to believe that the nation has not forgotten how well worthy of it I have proved myself; it has not forgotten with what ready self-devotion I fought in Italy in subordinate posts; it has not forgotten how I was restored to the command-in-chief by the reverses of our arms, and remade general, so to speak, by our misfortunes. The nation remembers how twice I reconstructed an army of the remnants of those that had been dispersed, and how, after I had twice over put it into a condition to hold its own against the Russians and the Austrians, I twice over laid down the command to take one which was a greater trust.

I was not at that period of my life more republican than at every other, but I appeared a more prominent republican. The attention and the confidence of those to whom it belonged to give fresh movement and new direction to the Republic tended towards me in a more special way. It is well known that it was proposed to me to put myself at the head of an

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enterprise closely resembling that of the 18th Brumaire. My ambition, if I had much, might easily have concealed itself under the appearance, or even openly boasted of the reality, of love of country.

The proposal was made to me by men who were celebrated in the Revolution for their patriotism, and in our national assemblies for their talents. I refused it; I believed myself called to command armies, but not to command the Republic.

That was enough to prove, it seems to me, that if I had an ambition it was not directed towards authority and power: soon afterwards I proved this better still.

The 18th Brumaire came, and I was in Paris. There was nothing to alarm my conscience in that Revolution which was brought about by others than me. It was directed by a man who was surrounded by a nimbus of fame; I might hope for happy results from it. I entered into it to second it, while other parties were pressing me to put myself at their head to oppose it. In Paris I received the orders of General Bonaparte. By having them executed I assisted to raise him to that high degree of power which circumstances rendered necessary.

When, some time afterwards, he offered me the command-in-chief of the army of the Rhine, I accepted it from him with as much zeal as from the hand of the Republic itself. My military successes were never more rapid, more numerous, more decisive than at the period when their lustre was shed upon that government which accuses me.

On returning from the scenes of all these achievements — the greatest was the having effectually secured the peace of the Continent — the triumphant soldier was greeted with acclamations that are a national recompense.

What a moment to choose for conspiring, if such a design had ever entered my mind!

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The attachment of troops to the chiefs who have led them to victory is well known. Would an ambitious man, a conspirator, have let slip the opportunity, when he was at the head of an army of one hundred thousand men who had been so often victorious, and when he was returning to the midst of a nation still disturbed and always trembling for its principles and their duration?

My only thought was to disband the troops, and I retired into the repose of civil life.

In that repose, which was not devoid of glory, I enjoyed my honors, no doubt — those honors of which no human power can deprive me: the remembrance of my deeds, the testimony of my conscience, the esteem of my fellow countrymen and foreigners alike, and, if I may say so, the sweet and soothing foretaste of the judgment of posterity.

I was in the enjoyment of a fortune which was large only because my desires were not extravagant, and which was no reproach to my conscience. I had my retired pension also; assuredly I was content with my lot,—I, who had never envied the lot of any. My family and some friends—all the more precious because, as they had nothing to hope from my credit and my fortune, they could but be attached to myself alone—these possessions filled my whole mind, and neither desires nor ambition found any entrance into it. Would it be accessible to criminal projects?

This state of mind was so well known to be mine; it was so amply vouched for by the distance which I maintained from all the aims of ambition, that from the battle of Hohenlinden until my arrest my enemies have never been able to find, nor have they sought, any other crime whereof to accuse me, except the freedom of my speech. Well, it has often been favorable to the actions of the government; and if sometimes it has not been so, was I to think that such liberty was a crime

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in a country which had so often affirmed by decree that thought, speech, and the press are free, and had enjoyed a great deal of liberty even under its kings?

I was born with a very frank disposition, and I have never been able to rid myself of that attribute of France in which I was born, either in the camp, where it flourished more than before, or in the Revolution, which has always proclaimed it a virtue in the man and a duty of the citizen. But do those who conspire blame what they disapprove quite so loudly? Such candor is hardly reconcilable with the plots and mysteries of politics.

If I had chosen to concoct and carry out plans of conspiracy I would have dissembled my feelings and endeavored to get every post which would have replaced me amid the forces of the nation.

I never possessed political genius to indicate such a course to me, but there were well-known examples which had been rendered conspicuous by success, and I had but to consider them. I know very well that Monk did not go away to a distance from the troops when he planned his conspiracy, and that Cassius and Brutus drew near to Cæsar previously to stabbing him.

And now, magistrates, I have nothing more to say to you. Such has been my character, such has been my whole life. In the presence of God and man I affirm the innocence and integrity of my conduct; you know what is your duty; France is listening to you, Europe is observing you, and posterity awaits you.

I am accused of being a brigand and a conspirator. The generous gentleman who has undertaken my defence will, I hope, convince you presently that such an accusation is ill-founded.

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SAINT-JUST

ANTOINE LOUIS LEON DE SAINT-JUST, a famous French revolutionist, was born at Décize in the department of Nièvre, France, August 25, 1767, and began his education at a school in Soissons, whence he was expelled on account of his having arranged a plot to burn the school buildings. He threw himself with enthusiasm into the political turmoil of the time, becoming an officer of the National Guard and a member of the Electoral Assembly of his district while yet under age. In 1789 he published a licentious poem, "Organt," afterward issued as "My Pastimes, or The New Organt." Entering into correspondence with Robespierre he was invited by him to Paris, where he was made deputy of Aisne to the National Committee, making his first speech November 19, 1792. He supported the most extreme measures, was a member of the Committee of Public Safety, and, next to Robespierre, was for months the most conspicuous leader in the Reign of Terror. In February, 1794, he became president of the Convention, and, speaking for Robespierre, he accused Danton of treason. On the ninth Thermidor he sought to defend Robespierre, but the sitting of the Convention closed with the order for Robespierre's arrest. On the day following, July 28, 1794, Saint-Just and his master were guillotined with twenty others. Saint-Just, says Lamartine, seemed "to personify in himself the cold intelligence and pitiless march of the Revolution. He had neither eyes, ears, nor heart for anything which appeared to oppose the establishment of the universal republic." He possessed great beauty, and some of his admirers styled him the "Saint John of the Messiah of the People." His "Œuvres Politiques" were issued in 1834.

ARRAIGNMENT OF DANTON

DANTON, you shall answer to inevitable, inflexible justice. Let us look at your past conduct, and let us show that from the first day, the accomplice of all crimes, you were always opposed to the party of liberty, and that you were in league with Mirabeau, with Dumouriez, with Hébert, with Hérault-Sechelles.

Danton, you have served tyranny; it is true you were opposed to Lafayette; but Mirabeau, d'Orléans, Dumouriez, were opposed to him also. Will you dare deny having been

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sold to those three men — the most violent of conspirators against liberty? Through Mirabeau's protection you were named administrator of the department of Paris at the time when the Electoral Assembly was decidedly royalist. All Mirabeau's friends boasted loudly that they had closed your mouth. While this frightful character was living you remained almost dumb. At that time you reproached a rigid patriot at a public dinner with compromising the good cause by turning aside from the path followed by Barnave and Lameth, who abandoned the popular party.

In the first outburst of the Revolution, you showed a threatening front to the court; you spoke against it with vehemence. Mirabeau, who meditated a change of dynasty, felt the price of your audacity; he seized you. From that time you strayed away from severe principles and nothing more was heard of you until the massacre of the Champ-de-Mars. Then you applied the motion of Laclos to the Jacobins, which was a disastrous pretext and paid by the enemies of the people in order to display the red flag and attempt tyranny. The patriots, who were not initiated into this plot, had fought in vain against your sanguinary opinion. You were appointed to draw up with Brissot the petition of the Champ-de-Mars, and you escaped the fury of Lafayette, who caused the massacre of two thousand patriots. Brissot strayed afterward peaceably into Paris; and you spent happy days at Arcis-sur-Aube, if indeed he who conspired against his country could be happy. Could the calmness of your retreat at Arcis-sur-Aube be pictured to the imagination? You, one of the authors of the petition, while those that had signed it had been, some loaded with fetters, others massacred; were Brissot and you then objects of gratitude for tyranny since you were not objects of terror to it?

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What shall I say of your cowardly and constant abandonment of the public cause in the midst of crises, when you always took the part of retreat?

After Mirabeau's death you conspired with the Lameths and you sustained them. You remained neutral during the Legislative Assembly, and you were silent in the painful struggle of the Jacobins with Brissot and the faction of La Gironde. At first you influenced them in favor of war; then, urged by the reproaches of the best citizens, you declared that you would serve both parties and you shut yourself up in silence. Leagued with Brissot to the Champ-de-Mars, you then shared his tranquillity and his liberty-destroying opinions; then, given over entirely to this conquering party, you said of those that refused it, since they remained alone in their opinions on the war and since they wished to be destroyed, you and your friends would abandon them to their fate. But when you saw the storm of the 10th of August gathering you retired again to Arcis-sur-Aube. A deserter from the perils that threatened liberty, the patriots hoped never to see you again. However, impelled by shame, by reproaches, when you knew that the downfall of tyranny was well prepared and inevitable, you came back to Paris the 9th of August. You went to bed that terrible night. Your section, which had named you its president, waited for you a long time; they tore you away from a shameful repose; you presided one hour; you left the arm-chair at midnight when the tocsin sounded; at the same moment the satellites of the tyrant entered and placed the bayonet on the hearth of the one who had taken your place: you,—you were asleep!

At that moment, what was Fabre, your accomplice and your friend, doing? You yourself said that he was parleying with the court in order to deceive it. But could the court rely on

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Fabre without a sure guarantee of his venality and without very evident proof of his hatred for the popular party. Whoever is a friend to a man who has negotiated with the court is guilty of cowardice. The intellect is subject to errors; the errors of conscience are crimes.

But what have you done since to prove to us that Fabre, your accomplice, and you have desired to deceive the court? Your behavior since then has been that of conspirators. When you were minister there was question of sending an ambassador to London to bring about an alliance between the two nations: Noël, a counter-revolutionary journalist, was offered by the minister, Lebrun; you did not oppose it; you were blamed for it: you replied, "I know that Noël is of no consequence, but I am sending one of my relatives with him."

What was the result of this criminal embassy? Concerted war and treasons. You were the one who caused Fabre and d'Orléans nominated for the Electoral Assembly, where you proclaimed the one to be a very skilful man, and where you declared that the other, being a prince of the blood, would by his presence among the representatives of the people give them greater importance in the eyes of Europe. Chabot voted in favor of Fabre and d'Orléans. You made Fabre rich during your ministry. Fabre then loudly professed federalism and said that France would be divided into four parts. Roland, the partisan of royalty, desired to cross the Loire to find La Vendée; you wished to remain in Paris where d'Orléans was and where you were favoring Dumouriez. You gave orders to save Duport: he escaped in the midst of a riot got up at Mélun by your emissaries to search through an armed carriage. Malouet and the Bishop of Autun were often at your house; you favored them. Brissot's party accused Marat;

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you declared yourself his enemy; you stood aside from the Mountain in the dangers which it ran. You publicly made it a merit never to have denounced Gensonné, Guadet, and Brissot; you kept holding out to them the olive-branch, guarantee of your alliance with them against the people and the strict republicans. La Gironde delivered against you a fictitious war. In order to compel you to show yourself in your true colors, it demanded of you your accounts; it accused you of ambition. Your foreseeing hypocrisy was all conciliating and was able to maintain you in the midst of parties, always ready to dissimulate with the strongest without insulting the feeblest. When the debates grew stormy there was indigna-
6 tion at your absence and at your silence; you talked about the country, the delights of solitude and of idleness, but you managed to emerge from your torpor to defend Dumouriez, Westermann, his boasted creature, and the generals his accomplices. You sent Fabre on a mission to Dumouriez under the pretext, you asserted, of reconciling him to Kellermann. The traitors were only too well united for our misfortune: in all their letters to the Convention, in their orations at the Convention, in their discourses at the bar, they acted as friends and you were theirs. The result of Fabre's mission was the safety of the Prussian army, in accordance with secret conditions which your conduct afterward explained. Dumouriez praised Fabre-Fond, Fabre-d'Eglantine's brother: can there be any doubt of your criminal concert in overturning the republic? You were skilful enough to mollify the anger of the patriots: you caused our misfortunes to be regarded as the result of the weakness of our armies, and you turned attention from the perfidy of the generals to occupy yourself with new levies of men. You associated with your criminal acts Lacroix, a conspirator long since discredited and with a soul

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impure — a man with whom one could not be united except by a tie leaguing conspirators. Lacroix was at all times more than suspected: hypocritical and perfidious, he never in this Assembly spoke from an honest heart; he had the audacity to praise Miranda; then had the audacity to propose the renewal of the Convention; he behaved toward Dumouriez just as you did; your agitation was the same to hide the same wrong deeds. Lacroix often displayed his hatred for the Jacobins. Whence came the luxury that surrounds him? But why recall so many horrors when your manifest complicity with d'Orléans and Dumouriez in Belgium is sufficient excuse for justice to smite you?

Danton! after the 10th of August you had a conference with Dumouriez, in which you both vowed a devoted friendship and united your two fortunes. You have since justified this frightful agreement, and you are still his friend even while I am speaking. Returning from Belgium, you dared to speak of the crimes of Dumouriez with the same admiration as one would speak of the virtues of Cato. You have made an effort to corrupt the public morals by making yourself on many occasions the apologist of corrupted men, your accomplices. You were the first in a circle of patriots whom you wished to surprise, were the first to propose the banishment of Capet; a proposition which on your return you no longer dared to uphold because it was out of favor and would have ruined you.

Dumouriez, who, about this same time, had come to Paris with the design of influencing the tyrant's judgment, did not himself dare resist the cry of public justice which condemned the tyrant to death. What conduct did you display in the Committee of General Defence? You received the compliments of Guadet and of Brissot, and you paid them back; you said

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to Brissot: "You have intellect, but you have pretensions."[2] Such was your indignation against the enemies of your country! You consented that there should be no notice taken, at the Convention, of Dumouriez's independence and treason; you found yourself at secret meetings with Wimpffen and d'Orléans. At the same time you spoke in favor of moderate principles, and your robust ways seemed to disguise the weakness of your counsels. You said that severe maxims would make too many enemies in the Republic. A banal conciliator, all your speeches at the tribune began like thunder and at the end you succeeded in confounding truth and falsehood. What vigorous proposition have you ever directed against Brissot and his party in the National Assembly where I am accusing you? On your return from Belgium you stirred up the levy of the patriots of Paris to march to the frontiers. If that had taken place then, who would have resisted the aristocracy which had tried again and again to rise? Brissot desired nothing else, and the patriots sent into the field would have been sacrificed, would they not? Thus the desire of all the tyrants of the world for the destruction of Paris and of liberty would have been fulfilled.

You stirred up an insurrection in Paris; it was concerted with Dumouriez; you even announced that if money was lacking to bring it about you had your hand in the treasury of Belgium. Dumouriez desired a revolt in Paris to have a pretext for marching against this city of liberty under a title less derogatory than that of rebel and royalist. You who were resting at Arcis-sur-Aube before the 9th of August, opposing your idleness to the necessary insurrection, had found your warmth again in the month of March to serve Dumouriez and to furnish him an honorable pretext for marching against Paris. Desfieux, a recognized royalist and member of the

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foreign party, gave the signal for the false insurrection. On the 10th of March a body of armed men set out for the Cordeliers, from there to the Commune, which was asked to take its place at their head. It refused to do so. Fabre was then showing great activity: "The movement," said he to a deputy, "has gone as far as it ought." Dumouriez's aim was attained; he made his movement the basis of his seditious manifesto and of the insolent letters which he wrote to the Convention. Desfieux, while declaiming against Brissot, received from Lebrun, Brissot's accomplice, a sum of money to send to the south vehement addresses where La Gironde was out of favor; but which tended to justify the projected revolt of the Federalists. Desfieux had his own couriers arrested at Bordeaux; and this caused Gensonné to denounce the Mountain and Guadet to declaim against Paris. Desfieux afterward spoke in favor of Brissot at the Revolutionary Tribunal. But, Danton, what a contradiction between this extreme and dangerous measure which you proposed, and the moderation which made you demand amnesty for all the guilty; which made you excuse Dumouriez, and made you in the Committee of General Safety support the proposition offered by Guadet to send Gensonné against the traitorous general. Could you have been so blind to the public interest? Could we reproach you for lacking discernment?

You accommodated yourself to everything: Brissot and his accomplices, when they left you, were always perfectly contented. At the tribune, when your silence was commented upon unfavorably, you gave them salutary advice to dissimulate more: you threatened them without indignation, but with a paternal kindness, and you gave them rather counsels to corrupt liberty to save themselves, to deceive us better, than you gave the Republican party to destroy them. "Hate,"

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you said, "is unendurable to my heart," and you said to us, "I do not love Marat." But are you not criminal and responsible for not having hated the enemies of the country? Does a public man determine his indifference or his hatred by his private prejudices or by the love for his country, a love which you have never felt? You acted as a conciliator just as Sixte-Quinte acted the fool so as to reach the goal at which he was aiming. Will you now flash forth before the justice of the people, you who never flash forth when the country is attacked? We had believed you in good faith when we attacked Brissot's party; but since then floods of light have been thrown over your politics. You are Fabre's friend; you are not a man to compromise yourself. You could therefore defend yourself only by defending your accomplice. You abandoned the Republican party at the beginning of our session; and since then have you done anything else than cloud the deliberations with hypocrisy?

Fabre and you were d'Orléans' apologists, and you tried to make him pass for a simple and very unfortunate man: you often repeated that phrase. On the Mountain you were the point of contact and repersuasion of the conspiracy of Dumouriez, Brissot, and d'Orléans. Lacroix on all these occasions perfectly seconded you.

You looked on with horror at the revolution of the 2d of May. Hérault, Lacroix, and you asked for the head of Hanriot, who had served the cause of liberty, and you charged against him as a crime the movement which he had taken part in to escape an act of oppression on your part. Here, Danton, you used your hypocrisy: not having been able to carry out your project you dissimulated your fury; you looked at Hanriot, and, laughing, said, "Fear not, keep on in your course," wishing to make him understand that while you had been

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apparently blaming him out of propriety, at heart you were really of his opinion. A moment later you approached him in the refreshment-room and offered him a glass with a caressing air, saying: "No grudge." Nevertheless the next day you libelled him in the most atrocious manner and charged him with having desired to assassinate you. Hérault and Lacroix supported you. But did you not send afterward an ambassador to Pétion and Wimpffen in Le Calvados? Did you not oppose the punishment of the deputies of La Gironde? Did you not defend Stengel, who had caused the outposts of the army at Aix-la-Chapelle to be assassinated? Thus, defender of all criminals, you have never done so much for a patriot! You accused Roland, but rather as an acrimonious imbecile than as a traitor; you discovered in his wife only pretensions to cleverness, you threw your mantle over all attempts to veil them or disguise them.

Your friends have done everything for you: they put your name in all foreign journals and in the daily reports of the ministry of the interior. The reports of which I speak, sent forth every evening by the minister of the interior, picture you as the man of whom all Paris is talking: your slightest reflections are there rendered celebrated. We have known for a long time that your friends or you edited these reports.

You were therefore, Danton, the accomplice of d'Orléans, of Dumouriez, of Brissot. Letters from the ambassador of Spain at Venice to Duca de Alcudia declare that you are suspected of having had interviews at the Temple with the Queen. The foreigner is always well acquainted with crimes committed in his favor. This fact is known by Lhuillier and can be elucidated in the trial.

The ambassador of Spain says in the same letter written last June: "What troubles us is the reorganization of the

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Committee of Public Safety." You were in it, Lacroix; you were in it, Danton.

Wicked citizen, you have conspired; false friend, two days ago you spoke ill of Desmoulins, a tool whom you corrupted, and you ascribed to him shameful vices. Wicked man, you compared public opinion to a woman of evil life; you said that honor was ridiculous, that glory and posterity were folly; these maxims were meant to conciliate the aristocracy: they were those of Catiline. If Fabre is innocent, if d'Orléans, if Dumouriez were innocent, then doubtless you are. I have said too much; you shall reply to justice!

[Specially translated by Nathan Haskell Dole.]

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CONSTANT

HENRI BENJAMIN CONSTANT DE REBECQUE was born in October, 1767, at Lausanne in Switzerland. At the age of twenty-eight he removed to Paris, and soon took a conspicuous part in the politics of the day. He was a member of the Tribunate from 1799 until 1802. Banished by Napoleon, he returned, upon the restoration of the Bourbon Monarchy, and, remaining in Paris during the Hundred Days, took office under the Emperor. Upon the second restoration of the Bourbons he was driven into exile, but, being permitted to return in 1816, he was presently elected to the Chamber of Deputies, and continued to hold a seat in that body until 1830. He died at Paris in December of the last-named year.

FREE SPEECH NECESSARY FOR GOOD GOVERNMENT

CHAMBER OF DEPUTIES, PARIS, MARCH 23, 1820, AGAINST RESTRICTING THE LIBERTY OF THE PRESS

I WOULD ask the minister if he has reflected on the inevitable consequences incident to the suspension, temporary or otherwise, of the free circulation of our newspapers. It may render him ignorant of all that is passing in the cliques of parasites and flatterers at court. All governments, whether liberal or despotic (you see I eschew the words "foreign to the interests or rights of the people"), must rely for security on some means of knowing what is transpiring in the State. Even in Turkey the viziers are sometimes irritated at being deceived by their pachas as to the situation of the provinces, and perhaps much may be attributed to the inexact knowledge a neighbor prince had

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of the dispositions of his garrisons when he saw them declare against him. Now, gentlemen, I assert it as a fact, that in suspending the free circulation of newspapers, the government condemns itself to know nothing, except from the advices of its salaried servants; that is to say, it will never know more than half the facts, and frequently it will believe the opposite of the true conditions. To prove this truth I shall not resort to reasoning. Reasoning is too near liberty to need to be availed of. I shall invoke only a few facts, because facts are always the same. As we have seen, the chartered rights of the people may be demolished, but the facts remain impregnable.

Well, then, gentlemen, will you remember the occurrence in Lyons in June, 1817? France was then under the exceptional laws under which you had placed her. Individual liberty was then, as it again will be, at the mercy of a ministry, and the censor made of journalism what you will do here in a week, if you adopt this proposed law.

What was the result then, gentlemen? A real or a sham conspiracy resulted. The severest measures were taken. Many men were put to death, and for a long time persecution was a political method. Well! All this was done and the government did not know just what it was agitating for. The government saw its error itself, for after all these executions had taken place, when, as a result, the conditions were irreparable, a marshal of France was sent to the field of these bloody severities to enlighten the Ministry on the true state of things. In the meanwhile, they incarcerated, judged, condemned, executed, and all without knowing wherefore; for had it not been felt necessary to inform them, the tardy mission of M. le Maréchal Marmont would not have been thought necessary. I shall not enter into

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this lugubrious history, nor judge between those who affirm or deny their authority in the conspiracy. Who is right or wrong—this has no bearing on what I would prove. What is important is that for months the government was in ignorance of the facts and they had to send a personal messenger to report eye-witness on which they could depend.

But, gentlemen, it might have been otherwise. If in the Department of the Rhone there had been a single liberal journal, this journal—Jacobin, revolutionary, or whatever you would call it—might present things from a different point of view from the local authorities. The government might hear the two sides. It should not commence by striking without reason, afterward to send to find if it had any cause for striking.

I may be mistaken, but I think this side of the question has never been indicated, and that it is worth examination. In suspending the free circulation of newspapers, the Ministry announce that they desire to hear or learn nothing save by their own agents—that is to say if their agents are by imprudence, by any personal motives or passions, on a false route, they will learn from them only that which they think plausible to place their merit in evidence or to assure their justification. Is this to the interest of government? I ask the Ministry to reflect. If at all times I treat this only from the standpoint of the interest of the Ministry, it is because I would address them words they would hear. If it concerned them alone, I need not speak. All authority brings with it the penalties of its responsibilities, its vexations, and false measures; nothing can be more just, and what the result would be to the Ministry is to me indifferent.

But as the example at Lyons has shown us, the people resent this, and I would save the poor people a part of the

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sufferings toward which this new régime is inevitably conducting us. I call this a new régime, because it is different from what the charter had commenced to introduce in France. But I might as well and more justly call it the old régime, for it is the old régime which we are reconstructing piece by piece; *lettres de cachet*, censures, oligarchic elections —these are the bases of the edifice! The columns and the capitals will come later! I ask the Ministry if they intend to govern France without knowing her. Will they adopt measures depending on events of which they are informed only by men whose interests are presumably to disguise them; to commit thus without profit to themselves much injustice which they can never repair? If this be their intent, the suspension of the liberty of the press is a sure method of its fulfilment. But if they find that the French people value the right of being heard before being condemned, and that twenty-eight million citizens should not be struck upon uncertain and possibly false reports, then the journals must be left free in their field of labor. Whatever the result, I am happy to have thus put the question. France will know if this be refused how much importance the Ministry attach to her requests by the lightness with which they treat them. I ask if they will do me the honor to reply, that they refute the example cited in the case of Lyons and not lose themselves in vague declamations in reply to the citation of a precise case.

Let us pass to another subject on which two words of explanation will be useful. To suspend the free circulation of the press is to place the newspapers in the hands of a minister, and to authorize the insertion in them of what he pleases.

Have you forgotten, gentlemen, what occurred when a

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law, similar to the one you would resurrect, gave to a cabinet minister this power? I would not speak of the elections. I should be ashamed to recapitulate facts so well known. It were idle almost to tell the damage caused, for in three successive elections the minister discredited the official articles attacking the candidates. He only contributed to their election. On my part, I owe him gratitude in this respect and I pardon his intentions for their favorable results.

The facts I want you to consider are much more important. You will probably remember that in the summer of the year 1818 several individuals who had filled responsible functions were arrested because they were suspected of conspiracy. I am not called on to explain or to defend these individuals. Their innocence or their guilt has nothing to do with this matter. They were detained; they were ironed; they had yet to be judged; and as they were to be exposed to the rigors of justice, they had a rightful claim on its safeguards. General Canuel was among the number. Well, gentlemen, while General Canuel was incarcerated, what did the minister do? He selected a journal of which the editors were friendly to the inculpated, and in it inserted the most damaging articles, and as they related to a man who was untried and unconvicted, I call them the most infamous. These articles circulated throughout France, and he against whom they had been directed had not the power to respond with a line. Do you find in this ministerial usage of the press anything delicate, loyal, legitimate? It is this slavish use of the press they would solicit you to enact anew.

This condition can never be renewed. The constituency of our present Ministry is a guarantee against it.

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By a law against universal liberty, you place the rights of all citizens at the discretion of a ministry. By suspending the freedom of the press, you will place at their mercy all reputations. I shall not stop to examine the promises of the Minister of the Interior on this anodyne measure, which is to "stop personalities," to "encourage enlightenment," and to "leave writers free." What opinion have the censors?

Censors are to thought what spies are to innocence; they both find their gains in guilt, and where it does not exist they create it. Censors class themselves as lettered. Producing nothing themselves, they are always in the humor of their sterility. No writer who respects himself would consent to be a censor. The title of royal censor was almost a reproach under the ancient régime. Has it been rehabilitated under the imperial censorship? These men will bring into the monarchy all the traditions of the empire. They will treat the liberty of the press as they do the administration, and we shall be marching under the guidance of the errors of Bonaparte, without the prestige of his imperial glory and the quiet of its unity.

ON THE DISSOLUTION OF THE CHAMBER OF DEPUTIES

IT IS said that the dissolution of the Chamber of Deputies has at length been resolved upon. I congratulate France upon it. An opportunity is offered to her to pronounce herself upon her destiny. If henceforth she is not free, she may thank herself for her slavery. She will have spontaneously sanctioned it; she will have given herself up to it of her own free will; and, whatever may be the yoke imposed upon her, she will have no right to complain.

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No doubt the career which the determination of the government will present to her will be beset with many difficulties and probably strewed with some snares.

Opinion, which, when a popular election is the subject, ought, more than in any other circumstances, to enjoy an entire independence, has no means of making itself known, no organ to announce itself.

The persons of all the citizens are by law at the mercy of ministers. I do not inquire if the ministers abuse this power: they possess it, and that is sufficient for all liberty to be suspended. This not all: private correspondence, the object of respect in all free nations, has been seen taken by force from the legitimate possessors. Agents without legal authority have been seen penetrating the sanctuary of their domicile. The police has been seen giving orders and instructions to agents which it has disavowed, and after having assumed the place of justice for its acts, has shielded itself behind justice for impunity.

Thus, by the very confession of the ministry, it is under the empire of a dictatorship that they make an appearance of consulting France. It is a gagged people whom they invite to give their opinion. Censors, such as never existed under any revolutionary or despotic government; censors who, strange to say, are not anonymous, have, with the certainty of being discovered, the incredible presumption to alter the authentic papers delivered to them. They suppress not only opinions, but facts; they command imposture, sanction attack, interdict defence, authorize calumnies, forbid refutations, permit the institutions which France and the monarch have sworn to defend to be insulted before their faces, and, under their written authority, deputies who are faithful to them to be insulted, and, as though they were desirous of a fresh in-

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vasion, denouncing to Europe the immense majority of the French.

In such a state of things it is evident that the nation, which ought to exercise by means of its electors the right of suffrage, will have—in order to understand itself and to act in concert and give its votes to those candidates who will not deceive their hopes—many obstacles to surmount; but a nation worthy of liberty surmounts every obstacle. No one can be compelled to inscribe on his bulletin the names he rejects. There would therefore be cowardice in condescending, though it should even be alleged that there had been tyranny or artifice in the pretension.

In another respect the existing obstructions have this advantage, that they will serve us at length to judge of the intention of ministers without going further. It is a trial they are about to undergo. If they wish the elections to be the expression of the popular opinion, let them break the chains which bind the electors. Let them give back to the citizens their guarantees, to the papers their independence, to opinion the means of expressing itself. Let them recollect that in Rome no armed forces approached the Comitiæ, and that in England the place of an election is protected, as a sanctuary, from the agency of power. If they refuse to follow this noble example it is because their intentions are contrary to their professions. It is not to the rights of all they pay respect; it is to the exclusion of some they aspire.

This exclusion is in fact the avowed object of the faction whose orders they appear for some time to have received. "It would be advantageous," say the papers of this faction, "to do away, by a complete renewal of the Chamber, these speaking-trumpets, these telegraphs, who make speeches and, from the national tribune, transmit signals to the agitators."

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Thus we find what is desired is to drive from the tribune all those who warn France of the danger her liberties are in; and if there is any hesitation in risking a bold and free measure it is because the expulsion of these importunate orators does not appear to be sufficiently certain.

Humiliating confession, in a faction which pretends to govern us! It can predominate neither by its talents nor by the efforts of its creatures. In order that it may be heard, every other voice must be silent. In order to persuade, it must speak alone. In order that what it writes may be read, the press must be its monopoly, and no one must write but those in their pay. This is not the way that men of any worth govern; they respect their adversaries whilst they contend with them; they have not that dead conscience which applauds itself for reigning in the void, which feels that its power is negative, which can only shine in the absence of everything that is not servile and base, to which every struggle is a defeat, and which, in order to conquer its rivals, is obliged to drive them away or proscribe them. France, a country of so much talent and so much glory, into what degradation do these men plunge you! to what excess do they make you fall! Never did England, which is fallen much, see this jealous fury of an ambitious inferiority. Never did Mr. Pitt have recourse to such ignoble resources in the removal of Mr. Fox; and the weak and inconsiderate ministry of the Graftons and the Butes endeavored to answer, not to impose silence on Junius.

Will our ministry lend itself to the invidious meannesses of this faction? There is some cause to fear so. There is already perceptible in its preliminary operations many an effort to evade or counteract the votes; many obstacles presented to the approach of independent electors, many diversi-

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fied chicaneries in the different departments. How many threats to the government servants! What threatenings of dismissal to the functionaries, without reckoning the more memorable dismissals which have proved that neither virtue, integrity, nor fidelity to the king could expiate a resistance to ministers, zealous persecutors, indifferent colleagues, and faithless friends!

Let us not, however, pronounce upon them an irrevocable sentence. Seeing what they have done we are inclined to be severe. But let us consider what a noisy faction dares to ask of them or even proscribe them from doing. We shall, perhaps, be inclined to show some indulgence. They say they are surrounded with danger: it may be they think so. If they were reanimated would they be less weak? Would they in fact yield to that inclination, natural to mankind, of existing by themselves, and not being the sport of a foreign and disdainful power? The chance exists; let us then examine the picture which is drawn, or which they give us of France. Let us admit that their terrors are sincere, and let us examine together if they are well founded.

"A violent agitation," they tell us, "torments France; here a party meditates the overthrow of the monarchy; further on, conspiracies of divers elements are engendering, but united for destruction. We are threatened with anarchy, military despotism seconds it, in order to stifle it after the victory; invisible associations and Direction committees pervert the representative government up to its very source."

Let us disjoin these assertions in order to examine them. A violent agitation disturbs France. No doubt. But what are the causes of this agitation? They must be well described, not for the purpose of uselessly recalling past faults, but to

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prevent, if possible, future evil. The source of the evil must be pointed out in order to find the remedy.

France was satisfied with what she possessed — what she possessed has been taken from her; she wished to preserve — others wished to destroy. She aspired at stability, she has been tired out with projects of innovations; an absurd pretext has been had recourse to, the falsehood of which was averred. This calumniated nation has objected — fresh calumnies have been attached to the peaceable expression of its opinions and desires. When her representatives freely stated what was in their instructions and what it was their duty to say, they were ill-treated in the tribune, and pursued almost to their seats. The authors of these aggressions and outrages remain unpunished. A minister asserted in the presence of the capital what the capital knew to be false; he persisted, in spite of the most positive facts, in assertions refuted by evidence; he charged with falsehood those orators who proclaimed what all France knew to be true; he accused of forming plots those against whom plots had been formed; he pointed out as conspirators, and threatened with indictment, not the aggressors but the victims.

Under these auspices a law was passed which in its premature form would have made a miserable parody of the representative government. This form was altered. Sufficient was left of the law to save the representative government; but impressions imprudently produced are not to be effaced at the will of power.

Still everything tended to tranquillity, because France, wearied out, desires order, and after having manifested her regret and repugnance she withdraws herself from the one and overcomes the other, in order to set out again from the point at which she finds herself and examine if she can profit

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by what still remains, instead of lamenting over what is past.

I repeat it, notwithstanding appearances to the contrary, everything had a tendency to tranquillity. Irritations were appeased, the new election law seemed supportable; but who would have thought it? the men who had been the instigators of that law were irritated or alarmed at the nation's accepting it. They are so well convinced that the nation can admit nothing that is favorable to them, that from this circumstance alone, the disapprobation of a law appearing less violent, they conclude that that law is dangerous to them. The public consent appears to them suspicious, they take it for a symptom of some danger which threatens them.

See their writings since the friends of the charter, instead of censuring the new law, have given it a moral sanction by preparing to carry it into execution. Had we persisted in calling it vicious, we should have been factious; we call it tolerable — we are perfidious; and that law which was not long ago imposed upon us they now say must be suspended or at least modified. This is the prospect offered to France: she groaned at the adoption of the law, and she is now given to understand that she will be deceived in its execution.

This is what prolongs and reanimates the agitation at which the ministry is alarmed. France sees that an attempt is making to rob her of the last wreck of a constitution for which she has so dearly paid. Defiance reappears, opinion is separating itself from material authority, which without it is but a rude and precarious dominion. Those persons whose only wish is to return to order — to find rest again — are preparing themselves for resistance; everything is fermenting, everything is becoming sour and hostile.

Add to this the frantic writings which the ministry invested

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with the censorship tolerates and protects; these writings in which France sees herself perpetually threatened with what are emphatically called state measures — great measures — words justly discredited and out of date, eternal preambles of arbitrary power, frivolous excuses for iniquity.

How can France be otherwise than uneasy and agitated when the papers which have undergone the process of censorship are filled with the anarchic projects and sanguinary propositions of the writers and orators of those halls of 1815 — heirs and imitators of the fanatic clubs of 1793? These propositions are the more alarming as under the empire of the censorship they appear to be the opinion of at least a part of the government. They appear the more evidently to betray a vast and formidable plan, as some have preceded the event which serves as a pretext to the rest.

When, in a paper of the 19th of August, we read that an act of vigor before the elections would give the ministry greater influence than all its prefects, and that the government ought to combat the revolution with equal arms; that is (for I defy a different meaning to be attached to this phrase), that it ought to have recourse to imaginary conspiracies, to arbitrary acts, to purifications, to banishment, perhaps to massacres (such were in effect the arms of the revolution during its storms). Is it astonishing that the discovery of a conspiracy the very next morning after these strange propositions should suggest to sceptic minds alarming doubts, and that without accusing the supreme authority they should suspect the faction by which the culpable means are recommended, of wishing itself to make a trial of it, in order to constrain ministers, who were yet scrupulous or timid, to submit themselves to its direction?

How is it possible for France not to fancy herself gone

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back to the most disastrous times, when on the occasion of this conspiracy, of which there is yet no authentic account — no obscurity cleared up — she reads in the same papers that it is necessary to imitate Cicero, who punished the conspirators without bringing them to trial; not to allow the revolutionists time to get acquainted; not to rely on obscure soldiers (the only ones, by the by, who are inculpated); not to speak either of temporizing or of doctrines, but to strike hard and strike quick?

How is it possible for her not to shudder when the same journals, the unchastized instigators of the overthrow of all the laws, attribute to the authorities whose functions render them respectable, and which they ought to render moderate, addresses in which are found, with a disgust mixed with surprise, the spirit, the style, and all the fury of our demagogues; addresses in which men are devoted to the sword, known, they say, by all Europe, without examining whether there is the least connection or intercourse between them and those they have accused of conspiracy; addresses which, if they were authentic, would compel us to believe that it had been possible for a deputy to have become the betrayer of his colleagues, to disguise them as factious tribunes, and to transform into sedition and revolt the expressions of satisfaction heaped by the entire population of France on its honest and faithful representatives.

In fact, when, after these explosions of a fury more suspicious than it appears to be thought, as, I repeat, it preceded the event which is said to be the cause of it, a journal which passes as accredited by the ministry proposes the re-establishment of intolerance, of hereditary privileges, of substitutions and all sorts of illegality; when it formally indicates that it is for kings alone to command a return, quick, decided,

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and complete, on principles which he declares to be contrary to the revolution; when he requires that authority should assign to each one his sphere (which would call to mind the castes in India, for want of his pariahs); that it should keep all the citizens divided, to prevent a powerful resistance (which shows that the intention of the party, of which this journal is the interpreter, is to destroy by force the resistance of opinion); when he adds that that unique remedy must be adopted because the remedy which most displeases the invalid may be the only one that will save him (which proves that this remedy would be applied by a State measure, for certainly neither the invalid — that is France — nor her representatives, would be consulted, to make her take a remedy which is hateful to her); when, we say, that all these things printed by authority are read, can we be surprised at the alarm of all men who are friends of liberty, or even of order and justice?

These alarms are ill-founded, that is my conviction; but those who are tormented by them are not to be reproached with having conceived them. The fault, or rather the crime of it, belongs to men who rend the air with their ferocious cries; to those indefatigable informers, to those calumniators of their country and countrymen, to those dealers in tyranny, who congratulate themselves at the disquietude of power in the hope that it will become as barbarous as themselves; to those men, who never saw anything suspicious that they did not pronounce culpable, accused without demanding the life, nor condemned without applauding the punishment, and without stifling with the howlings of their rage the sighs of misfortune.

Here a comparison presents itself, and I feel no inclination to withhold it.

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Since anarchy has ceased to exist, since the iron yoke which succeeded to anarchy has been broker, since we thought we could perceive the dawn of a free constitution, that bond of the human species exists only in one party.

If a proof of it is required I will give it.

In 1818, also, the noise of a conspiracy having been discovered was spread over France, but the accused were in custody. Nothing was known about the conspiracy, but the accused were in custody. Their object was, it was said, to overthrow the charter, to destroy our new institutions, to massacre their principal defenders, and to replace the nation of slaves under the empire of an unlimited power. They were falsely accused; this I admit without difficulty, but their innocence was not proved, and they languished in dungeons.

What did those who are called Liberals then do? They demanded the most scrupulous justice for the accused; they protested against secret torture — against the iniquity of prolonged detentions. They forgot political divisions, to invoke the natural laws and social guarantees. They were not seen to excommunicate the persons detained; to outstep the rigor of the tribunals; to require the violation of forms; to demand, like dogs thirsty for blood, that no scruple might be made about a few suspected persons; that all those might be attained without examination, and without proof, whom hatred pointed out as chiefs or accomplices, or only as having favored the conspiracy by their secret wishes.

What they did not do then, what every one of them would have blushed at as a crime, their adversaries do in our day. Let France compare and judge. . . .

Our social organization, our laws relative to industry and property, distinct from your efforts to elude and paralyze their effects, are so admirable that everybody in France,

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including those who are not interested in it, has more to lose than gain by pillage. For he who has nothing is, if he likes, certain of acquiring something. It is not the same in other countries; the poor there are eternally poor, except by the effect of crime or chance: but amongst us the road is marked out, and conducts every one, by a progression protected by the law, to ease by the means of labor.

When the ministers speak of anarchy, there is not only error or bad faith in it, there is fatuity. You shall be overthrown to-morrow, and I will answer for it that two hours after your fall there will be no trace of anarchy; because there are proprietors everywhere, and order always answers the appeal made to it by property.

I do not say this to render the prospect of an overthrow less terrible. Every overthrow brings with it evils of longer or shorter duration, more or less disastrous, which it is desirable to avoid. I say it to reduce things to their just value, because truth is more forcible than emphasis, because exaggeration, when it is apparent, hurts its cause and fails in its object.

If you simply represent that the present is better than that which may be, I will support you zealously, particularly if you take care to consider the liberty which has been promised us as an integral and indispensable portion of that which is. But when you speak of anarchy; when you liberally bestow this injurious designation on all opposition to unjust power, on every appeal to recognized rights, on every manifestation of thought which authority feels importunate; when you degrade as anarchists our richest capitalists, our citizens who are the greatest lovers of peace,—your speeches are puerile, your declamations empty of idea, your rhetoric weak, and no one pays attention to you, or at least no one believes you.

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But now you no longer fear anarchy, but military despotism. I am no more inclined than anybody else to judge favorably of it; but if there were reason to fear this despotism would you not have prepared the way? Do you not imprudently and unceasingly extol the services which the soldiers render, or have rendered you? Do you not produce them as the surest support of the throne and the arbiters of our destiny? and if by chance you had unawares gone still farther; if in the recent disturbances, military corps had declared themselves annoyed by the manifestation of an opinion different to theirs; if they had in the first place insulted the citizens who manifested that opinion, and afterward the deputies on whom the citizens heaped testimonies of esteem; if you had seen with an indifferent, perhaps an indulgent eye, deputies on whom the citizens heaped testimonies of esteem; a little anterior, and not less remarkable, these military corps had threatened with their vengeance a minister in office; if his sudden retreat might be attributed to their threats, and if you, the present ministers, were coolly seated in that place, thus become vacant,—would you not have been the first to suggest to the whole of the soldiery the dangerous doctrine of their importance? for the sword does not recognize privilege, and if it has been possible to abjure passive obedience in order to effect one overthrow it is deplorable, but not astonishing, that it should also be abjured to effect others.

Besides, this passive obedience which you recommended is it not the most direct road to military despotism? These pretorians, the habitual subject of the superficial and dull erudition of your editors, did they form an intelligent and reflecting army of citizens or traitors? Certainly not. These pretorians were blind instruments up to the moment in which they declared themselves rebels; that is, in which they conse-

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crated to a second chief the implicit obedience which they had a long time professed to the first.

The best rampart against military despotism is patriotism. The best guarantee for patriotism is intelligence. Seek then no longer to make of your warriors machines which are strangers to reason. Place your strength even in their reason; in their reason, which will make them feel the necessity of discipline; in their reason, which will attach them more every day to a liberty which will protect their brothers, their wives, their fathers, and their children; in their reason, in a word, which will preserve them from the suggestions of the factious, and keep them on their guard against their immediate commanders should they be perfidious; for, mark it well, in the very conspiracy you announce it is the immediate chiefs, the subalterns, who have conspired, if you are to be believed about it. Now these immediate chiefs, these subaltern officers, were precisely those who had a provisional right to passive obedience; so their project, such at least as you relate it, was to profit by this passive obedience, to conduct their troops to the very place of crime without confiding to them what was expected from their insubordination. This would have been the masterpiece of that passive obedience which you represent as the best guarantee for the stability of governments.

Lastly, of what use are words against the eternal and immutable laws of our nature? This nature does not abdicate itself. I wrote so five years ago; why am I forced to repeat it? No one will ever succeed in making man become a total stranger to all inquiry, and to resign the intelligence which Providence has given him for his guidance, and of which no profession can absolve him from making use.

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Of these physical means with which you take care to surround yourself, it is opinion which creates, assembles, retains around you, and directs these means. These soldiers, who appear to us and who are in effect at all times passive and unreflecting agents, these soldiers are men; they have moral faculties, sympathy, sensibility, and a conscience which may awake on a sudden. Opinion has the same empire over them as over the rest of their fellow creatures, and no proscription attacks its empire. See it traversing the French troops in 1789, transforming into citizens men collected from all parts, not only of France, but of the world; reanimating minds paralyzed by discipline, enervated by debauchery; causing notions of liberty to penetrate amongst them like a prejudice, and breaking, by this new prejudice, the bonds which so many ancient prejudices and rooted habits had interwoven. See afterward opinion, rapid and changeable, sometimes separating our warriors from their chiefs, sometimes reassembling them around them, rendering them by turns rebels or faithful subjects, sceptics, or enthusiasts.

See in England, in another sense, the Republicans, after the death of Cromwell, concentrating all the forces in their own hands, disposing of the army, the treasure, the civil authorities, the Parliament, and the courts of judicature. Dumb opinion only was against them, that wished to repose itself in royalty. Suddenly all their means are dissolved; everything totters; everything falls.

Doubtless a military government is a great scourge; but what are the means to prevent the fear of it? To reinforce the civil authority. Now, to reinforce the civil authority, what is necessary? To rest it upon justice; that is, on liberty. If you rest it upon force, you come back to a military government; for force and the sword are one and the same.

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thing. We make the citizens tremble before us, and we tremble before the Janizaries in our turn. . . .

To return to the elections and to the committees which it is said direct them, I repeat, the ministry gives to the committee all its power. On this point, as well as on so many others, they follow the route exactly opposite to the end they are desirous of attaining. When chance furnishes them with the means of influence they reject it at pleasure. I could cite for example many departments whose prefects, men of intelligence, moderate, clever, and tolerably ministerial, had gained the confidence of their district. These prefects would probably have acted in the elections. What did the ministry do? Hastened to displace them, in order to replace them by unknown persons, who might be perfectly worthy, but who will be found evidently without standing, without connections, without means at the ensuing elections, by which they will be surprised almost immediately on their arrival.

It is because the ministry does not guide itself according to its interests, it is domineered over by a faction whose ambition and hatred must be satiated by turns. Thus all the dangers at which it is alarmed are the result of its own errors. Will it still persist in a route which has already been so fatal to it? Will it persist in seeking its safety and ours in a useless complaisance towards an insatiable faction, in vexations always increasing and still inefficacious, in those laws of exception which nowadays wound the nation without alarming it?

But our ministers have enjoyed the laws of exception six months; and by their confession and complaints it does not appear that these laws have restored tranquillity to France. It depends upon them indeed to arrest every one; but they have had this power for six months; and for six months, if

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they are to be credited on the subject, everybody is conspiring. They impose silence on the journals, but the most alarming and the least founded reports are in circulation. France fears everything, because it is told nothing; and as the price of having allowed nothing to be said, they are obliged to refute what has not been said. Would the ministers at length have recourse to these great measures, to these extreme means, to which, during a celebrated discussion, an orator less skilful than the generality of them made an imprudent allusion, and of which the journals which the ministry does not think it right to repress or contradict repeat the absurd threat?

I do not inquire what these great measures will be: the incarceration or the death of some individuals, their transportation or their interdiction, the destruction or suspension of the fundamental compact, an attack against men or things, —it is of little consequence to us; but what is of consequence to us is, that all this is possible, that all this would be inefficacious, that all this would be disastrous even for the authors of these criminal attempts.

I have described the moral disposition of the nation you govern. I have described that disposition agreeably to what you yourselves say of it. Do you think that an act of vigor, as those you persecute call it, would suddenly change this disposition? You deceive yourselves, revolutionary recollections lead you astray. When the question was the leading a people who had not yet received the severe education of misfortune; a people intoxicated with a recent victory over despotism, and restless at the duration of that victory; a people who, led to liberty by the Revolution, did not, in their ignorance, sufficiently distinguish revolution from liberty; fiery demagogues might avail themselves of their little information and draw from them a blind sentiment in favor of the

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violation of the laws; but now every Frenchman knows the consequences of these criminal resources which, constituting the legal authorities into revolt against the law itself, prevent all return to justice and lawful authority.

The citizens know that they form a part of one another, they see the security of each in the security of the whole, they know that order established, consecrated, and sanctioned by oaths cannot be broken for a day or an hour; when once broken it is never re-established. The Legislative Assembly never returned to it after the 10th of August, nor the Convention after the 31st of May, nor the councils of the Republic after Fructidor. In vain they proclaimed that they and the country were saved; they perished, and the country had perished with them if nations were as perishable as power.

In fact, what is there left to a people after their constitution has been violated? Where is security? Where is confidence? Where the anchor of safety? Nothing but a spirit of usurpation is found in those who govern; a spirit which, pursuing them like remorse, frightens and drives them out of their course. Tyranny hovers over the heads of the governed. Does power wish to pronounce consoling words, to protest its future respect for a constitution which it has torn to pieces, to promise it will no more attempt it? Where is the guarantee that this fresh homage is not a fresh derision? Do the people dare, even in a partial interest, without reference to great political questions, invoke that constitution which has been trampled under foot? The very name of constitution seems a hostility. On all sides a habit of illegal means is contracted. It forms the afterthought of the government, it nourishes the spirit of the factious. With perfidious joy they contemplate power taken in its own trammels, march-

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ing from convulsion to convulsion, from violence to violence, revolting justice, preparing excuses in despair, and destined to suffer the fate of those whom iniquity directs and hatred surrounds.

Such certainly will not be the destiny to which an enlightened monarch will condemn France. Ministers will not dare to advise him to it; and if they did, they would neither find in the prince an approver, nor, in the great body of the state, instruments.

And who then will take these great measures, and on what force will they rely for their execution? On the ordinances? Do we not remember the ordinances of 1815? Has opinion ceased a single moment, for these three years, to call for their revocation? The ordinances of 1815 have done much harm. They would have done still more had not their instigators been the old tools of demagogism and slavery, so that the constitutional monarchy was enabled to disown them. At the present moment the mischief that such ordinances would occasion would be without remedy.

Will they invoke the support of the Chamber of Peers? I conceive in a faction that nothing makes recede, nothing enlightens, that disposition to parodize the acts of a tyranny whose chief it detested and whose system it approved; but if this faction has its forgetfulness the nation has its recollections. It knows that the first *Senatus-Consulte* was an order for the transportation of a hundred and thirty citizens, and it has not forgotten what the *Senatus-Consultes* cost her afterward.

All authority which exceeds its bounds ceases to be legitimate; and this fundamental principle of natural, political, and civil law is corroborated by the charter. The charter points out the case in which the assembling of the Chamber of Peers

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would be illicit; the simple want of royal convocation renders it so; and what the Chamber of Peers would do, trampling under foot the laws and the Charter — the Chamber of Peers proscribing individuals who have the same guarantees and are protected by the same safeguards as the first Peer in France — the Chamber of Peers suppressing or suspending political bodies which emanate from the same source as themselves, which exist by the same title — what the Chamber of Peers would do, constituting itself the rival or legatee of the Convention of the Imperial Senate, would it have any authority, any validity whatever? No; all would be null in the strongest sense of the word.

I like to pay public respect to an illustrious assembly. Such thoughts will never enter the heads of any member of the House of Peers who has occasion to identify himself with our institutions and to nationalize himself in France.

The Chamber of Peers knows both the nature of its attributes and the limits of its power. It contributes to the making the laws and to the vote of taxes, but it only participates in these things. It would be a usurpation if they voted laws without the concurrence of the other Chamber, and no one would be obliged to obey such laws. It would be a usurpation if they voted taxes without the previous discussion and consent of the deputies, and no one could be compelled to pay such taxes. For a still stronger reason it would be a flagrant usurpation if they intermeddled with the right of citizens or with the existence of other power. Their decrees, their ordinances, their judgment, their *Senatus-Consultes*, whatever they may be called, although sanctioned by the unanimity of the members, would be as little binding as the decree of the three first individuals you may meet by chance.

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I have examined many arguments, I have gone through many hypotheses. The result of the considerations which I have hastily put together in these few pages appears to me easy to comprehend.

The ministry, by persevering in a system which it has followed these six months, cannot maintain itself or save France. It relies on a faction which has twenty times committed the throne and will commit it again. It makes use of those means of which all anterior governments have made use, and which have ended in the fall of all these governments. It is shaking that which time had began to consolidate.

But in the present state of civilization, the people, whatever adulators may say on the one hand, and enemies on the other, have neither affection nor hatred. The resources which individuals find in themselves, the distance which the extent of empires establishes between the governing and the governed, the enjoyments which industry procures to the latter, commerce, private speculations, and domestic life, cause every one to set his happiness, for the most part, apart from authority.

It follows, therefore, that there is not, nor can be, a doubt of the attachment of the people to some form or other of political organization. This moral disposition of the human species renders it impossible to govern long and govern badly. The example of Bonaparte by no means weakens this assertion. What must he not have been obliged to do to have governed badly for fourteen years; the conquest of the world is not a diversion that everyone has within his reach to give the people.

I wish this truth could make its way into the little minds of these little pupils of Napoleon who think they have grown large in his atmosphere because they have breathed the air

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of his ante-chambers, and who repeat after him, with a ridiculous spirit of despotism, that power serves for everything; as if, being passive instruments of power, they had on that account alone learned to handle it; but this disposition of the human species, which renders it impossible to govern long and govern badly, gives to power the certitude of governing in safety when it governs well. For by the same rule, according to which no nation devotes itself to sustain a government which has put itself in a false position, no nation will expose itself in an attempt to overthrow a government when it is tolerable. The mass always prefer stability. If they depart from it, it would not be on the suggestion of the seditious, but because the government began gratuitously to interfere in their interest, their security, and their habits.

It follows further, from this moral disposition of modern nations, that when men can abjure their faults those faults are forgotten. Feeling only has memory, the indifferent are always ready to clear the table and begin at fresh account. It is only necessary to believe the sincerity of conversion, and in order that it may be believed it must exist.

The dissolution of the present Chamber, the convocation of an assembly composed of fresh elements, is then a marvellous chance; but this chance will be spoiled in falsifying the electors by an illegal influence. If the ministry should obtain a factious majority it would not be the stronger for it; and they would run this risk in that factious majority, that if in the sequel they should come to their senses they would be prevented by it from following the light they would have acquired.

Let then the Chamber of Deputies be dissolved, let the nation return faithful representatives, and let the nation be governed at length by these ministers or by others, as they

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desire or deserve to be. The fall of the ministry is equally indifferent to me as its duration. I have traced, without circumlocution and without winding, the errors of those of its members whose errors appeared to me to be the greatest; but political hatred, as political affection, are equally unknown to me. Persons are the same to me, and the past appears to me important only as it serves as a guide for the future.

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JOHN QUINCY ADAMS

JOHN QUINCY ADAMS, the eldest son of John Adams, was born at Braintree in 1767. He visited Europe with his father in 1778 and again in 1780, when he attended for a time the University of Leyden. At the age of fifteen he went as Secretary of Legation with Francis Dana to St. Petersburg. Returning home after an interval spent in Holland, Paris and London, he graduated at Harvard in 1788, and three years later was admitted to the bar. In 1794 he was appointed by President Washington Minister to The Hague. On his father's accession to the Chief Magistracy, John Quincy Adams was made Minister to Prussia, with which power he negotiated a commercial treaty. He was recalled after Jefferson's accession to the Presidency, and resumed the practice of law in Boston; but in 1802 he was chosen a member of the Massachusetts Senate, and in the following year was sent to Congress. Hitherto he had acted with the Federalists, but he separated from them by voting for Jefferson's Embargo, a step which brought about his temporary retirement from public life. For three years he discharged the duties of Professor of Rhetoric and Belles-Lettres at Harvard College, but in 1809 he was intrusted by Madison with the mission to St. Petersburg. He was one of the plenipotentiaries who concluded the treaty of peace with Great Britain in December, 1814. After serving for two years as American Minister in London, he again entered the arena of home politics as Secretary of State under President Monroe. While in office he brought about the treaty with Spain by which Florida was ceded to the United States. In 1824 he was one of four candidates for the Presidency, and, as none of them received an absolute majority of the electoral votes, the election fell to the House of Representatives, by which Adams was chosen. Defeated for re-election in 1828 by Jackson, he withdrew to Quincy, but two years later was returned to the Federal House of Representatives by the district in which he lived and which he continued to represent until his death. Throughout the later part of his life he stood forth as the bold and uncompromising advocate of the abolition of slavery. He died on February 23, 1848, having been stricken with paralysis two days previously on the floor of the House.

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ORATION AT PLYMOUTH

DELIVERED AT PLYMOUTH, DECEMBER 22, 1802; IN COMMEMORATION OF THE LANDING OF THE PILGRIMS

AMONG the sentiments of most powerful operation upon the human heart, and most highly honorable to the human character, are those of veneration for our forefathers, and of love for our posterity. They form the connecting links between the selfish and the social passions. By the fundamental principle of Christianity, the happiness of the individual is interwoven, by innumerable and imperceptible ties, with that of his contemporaries. By the power of filial reverence and parental affection, individual existence is extended beyond the limits of individual life, and the happiness of every age is chained in mutual dependence upon that of every other. Respect for his ancestors excites, in the breast of man, interest in their history, attachment to their characters, concern for their errors, involuntary pride in their virtues. Love for his posterity spurs him to exertion for their support, stimulates him to virtue for their example, and fills him with the tenderest solicitude for their welfare. Man, therefore, was not made for himself alone. No, he was made for his country, by the obligations of the social compact; he was made for his species, by the Christian duties of universal charity; he was made for all ages past, by the sentiment of reverence for his forefathers; and he was made for all future times, by the

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impulse of affection for his progeny. Under the influence of these principles,

"Existence sees him spurn her bounded reign."

They redeem his nature from the subjection of time and space; he is no longer a "puny insect shivering at a breeze"; he is the glory of creation, formed to occupy all time and all extent; bounded, during his residence upon earth, only to the boundaries of the world, and destined to life and immortality in brighter regions, when the fabric of nature itself shall dissolve and perish.

The voice of history has not, in all its compass, a note but answers in unison with these sentiments. The barbarian chieftain, who defended his country against the Roman invasion, driven to the remotest extremity of Britain, and stimulating his followers to battle by all that has power of persuasion upon the human heart, concluded his persuasion by an appeal to these irresistible feelings: "Think of your forefathers and of your posterity." The Romans themselves, at the pinnacle of civilization, were actuated by the same impressions, and celebrated, in anniversary festivals, every great event which had signalized the annals of their forefathers. To multiply instances where it were impossible to adduce an exception would be to waste your time and abuse your patience; but in the sacred volume, which contains the substance of our firmest faith and of our most precious hopes, these passions not only maintain their highest efficacy, but are sanctioned by the express injunctions of the Divine Legislator to his chosen people.

The revolutions of time furnish no previous example of a nation shooting up to maturity and expanding into greatness with the rapidity which has characterized the growth of

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the American people. In the luxuriance of youth, and in the vigor of manhood, it is pleasing and instructive to look backward upon the helpless days of infancy; but in the continual and essential changes of a growing subject, the transactions of that early period would be soon obliterated from the memory but for some periodical call of attention to aid the silent records of the historian. Such celebrations arouse and gratify the kindliest emotions of the bosom. They are faithful pledges of the respect we bear to the memory of our ancestors and of the tenderness with which we cherish the rising generation. They introduce the sages and heroes of ages past to the notice and emulation of succeeding times; they are at once testimonials of our gratitude, and schools of virtue to our children.

These sentiments are wise; they are honorable; they are virtuous; their cultivation is not merely innocent pleasure, it is incumbent duty. Obedient to their dictates, you, my fellow-citizens, have instituted and paid frequent observance to this annual solemnity. And what event of weightier intrinsic importance, or of more extensive consequences, was ever selected for this honorary distinction?

In reverting to the period of our origin, other nations have generally been compelled to plunge into the chaos of impenetrable antiquity, or to trace a lawless ancestry into the caverns of ravishers and robbers. It is your peculiar privilege to commemorate, in this birthday of your nation, an event ascertained in its minutest details; an event of which the principal actors are known to you familiarly, as if belonging to your own age; an event of a magnitude before which imagination shrinks at the imperfection of her powers. It is your further happiness to behold, in those eminent characters, who were most conspicuous in accom-

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plishing the settlement of your country, men upon whose virtue you can dwell with honest exultation. The founders of your race are not handed down to you, like the fathers of the Roman people, as the sucklings of a wolf. You are not descended from a nauseous compound of fanaticism and sensuality, whose only argument was the sword, and whose only paradise was a brothel. No Gothic scourge of God, no Vandal pest of nations, no fabled fugitive from the flames of Troy, no bastard Norman tyrant, appears among the list of worthies who first landed on the rock, which your veneration has preserved as a lasting monument of their achievement. The great actors of the day we now solemnize were illustrious by their intrepid valor no less than by their Christian graces, but the clarion of conquest has not blazoned forth their names to all the winds of heaven. Their glory has not been wafted over oceans of blood to the remotest regions of the earth. They have not erected to themselves colossal statues upon pedestals of human bones, to provoke and insult the tardy hand of heavenly retribution. But theirs was "the better fortitude of patience and heroic martyrdom." Theirs was the gentle temper of Christian kindness; the rigorous observance of reciprocal justice; the unconquerable soul of conscious integrity. Worldly fame has been parsimonious of her favor to the memory of those generous companions. Their numbers were small; their stations in life obscure; the object of their enterprise unostentatious; the theatre of their exploits remote; how could they possibly be favorites of worldly Fame—that common crier, whose existence is only known by the assemblage of multitudes; that pander of wealth and greatness, so eager to haunt the palaces of fortune, and so fastidious to the houseless dignity of virtue; that parasite

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of pride, ever scornful to meekness, and ever obsequious to insolent power; that heedless trumpeter, whose ears are deaf to modest merit, and whose eyes are blind to bloodless, distant excellence?

When the persecuted companions of Robinson, exiles from their native land, anxiously sued for the privilege of removing a thousand leagues more distant to an untried soil, a rigorous climate, and a savage wilderness, for the sake of reconciling their sense of religious duty with their affections for their country, few, perhaps none of them, formed a conception of what would be, within two centuries, the result of their undertaking. When the jealous and niggardly policy of their British sovereign denied them even that humblest of requests, and instead of liberty would barely consent to promise connivance, neither he nor they might be aware that they were laying the foundations of a power, and that he was sowing the seeds of a spirit, which, in less than two hundred years, would stagger the throne of his descendants, and shake his united kingdoms to the centre. So far is it from the ordinary habits of mankind to calculate the importance of events in their elementary principles, that had the first colonists of our country ever intimated as a part of their designs the project of founding a great and mighty nation, the finger of scorn would have pointed them to the cells of Bedlam as an abode more suitable for hatching vain empires than the solitude of a transatlantic desert.

These consequences, then so little foreseen, have unfolded themselves, in all their grandeur, to the eyes of the present age. It is a common amusement of speculative minds to contrast the magnitude of the most important events with the minuteness of their primeval causes, and

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the records of mankind are full of examples for such contemplations. It is, however, a more profitable employment to trace the constituent principles of future greatness in their kernel; to detect in the acorn at our feet the germ of that majestic oak, whose roots shoot down to the centre, and whose branches aspire to the skies. Let it be, then, our present occupation to inquire and endeavor to ascertain the causes first put in operation at the period of our commemoration, and already productive of such magnificent effects; to examine with reiterated care and minute attention the characters of those men who gave the first impulse to a new series of events in the history of the world; to applaud and emulate those qualities of their minds which we shall find deserving of our admiration; to recognize with candor those features which forbid approbation or even require censure, and, finally, to lay alike their frailities and their perfections to our own hearts, either as warning or as example.

Of the various European settlements upon this continent, which have finally merged in one independent nation, the first establishments were made at various times, by several nations, and under the influence of different motives. In many instances, the conviction of religious obligation formed one and a powerful inducement of the adventures; but in none, excepting the settlement at Plymouth, did they constitute the sole and exclusive actuating cause. Worldly interest and commercial speculation entered largely into the views of other settlers, but the commands of conscience were the only stimulus to the emigrants from Leyden. Previous to their expedition hither, they had endured a long banishment from their native country. Under every species of discouragement, they undertook the voyage;

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they performed it in spite of numerous and almost insuperable obstacles; they arrived upon a wilderness bound with frost and hoary with snow, without the boundaries of their charter, outcasts from all human society, and coasted five weeks together, in the dead of winter, on this tempestuous shore, exposed at once to the fury of the elements, to the arrows of the native savage, and to the impending horrors of famine.

Courage and perseverance have a magical talisman, before which difficulties disappear and obstacles vanish into air. These qualities have ever been displayed in their mightiest perfection, as attendants in the retinue of strong passions. From the first discovery of the Western Hemisphere by Columbus until the settlement of Virginia which immediately preceded that of Plymouth, the various adventurers from the ancient world had exhibited upon innumerable occasions that ardor of enterprise and that stubbornness of pursuit which set all danger at defiance, and chained the violence of nature at their feet. But they were all instigated by personal interests. Avarice and ambition had tuned their souls to that pitch of exaltation. Selfish passions were the parents of their heroism. It was reserved for the first settlers of New England to perform achievements equally arduous, to trample down obstructions equally formidable, to dispel dangers equally terrific, under the single inspiration of conscience. To them even liberty herself was but a subordinate and secondary consideration. They claimed exemption from the mandates of human authority, as militating with their subjection to a superior power. Before the voice of Heaven they silenced even the calls of their country.

Yet, while so deeply impressed with the sense of re-

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ligious obligation, they felt, in all its energy, the force of that tender tie which binds the heart of every virtuous man to his native land. It was to renew that connection with their country which had been severed by their compulsory expatriation, that they resolved to face all the hazards of a perilous navigation and all the labors of a toilsome distant settlement. Under the mild protection of the Batavian Government, they enjoyed already that freedom of religious worship, for which they had resigned so many comforts and enjoyments at home; but their hearts panted for a restoration to the bosom of their country. Invited and urged by the open-hearted and truly benevolent people who had given them an asylum from the persecution of their own kindred to form their settlement within the territories then under their jurisdiction, the love of their country predominated over every influence save that of conscience alone, and they preferred the precarious chance of relaxation from the bigoted rigor of the English Government to the certain liberality and alluring offers of the Hollanders. Observe, my countrymen, the generous patriotism, the cordial union of soul, the conscious yet unaffected vigor which beam in their application to the British monarch:

"They were well weaned from the delicate milk of their mother country, and inured to the difficulties of a strange land. They were knit together in a strict and sacred bond, to take care of the good of each other and of the whole. It was not with them as with other men, whom small things could discourage, or small discontents cause to wish themselves again at home."

Children of these exalted Pilgrims! Is there one among you who can hear the simple and pathetic energy of these expressions without tenderness and admiration? Venerated

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shades of our forefathers! No, ye were, indeed, not ordinary men! That country which had ejected you so cruelly from her bosom you still delighted to contemplate in the character of an affectionate and beloved mother. The sacred bond which knit you together was indissoluble while you lived; and oh, may it be to your descendants the example and the pledge of harmony to the latest period of time! The difficulties and dangers, which so often had defeated attempts of similar establishments, were unable to subdue souls tempered like yours. You heard the rigid interdictions; you saw the menacing forms of toil and danger, forbidding your access to this land of promise; but you heard without dismay; you saw and disdained retreat. Firm and undaunted in the confidence of that sacred bond; conscious of the purity, and convinced of the importance of your motives, you put your trust in the protecting shield of Providence, and smiled defiance at the combining terrors of human malice and of elemental strife. These, in the accomplishment of your undertaking, you were summoned to encounter in their most hideous forms; these you met with that fortitude, and combated with that perseverance, which you had promised in their anticipation; these you completely vanquished in establishing the foundations of New England, and the day which we now commemorate is the perpetual memorial of your triumph.

It were an occupation peculiarly pleasing to cull from our early historians, and exhibit before you every detail of this transaction; to carry you in imagination on board their bark at the first moment of her arrival in the bay; to accompany Carver, Winslow, Bradford, and Standish, in all their excursions upon the desolate coast; to follow them into every rivulet and creek where they endeavored to find a

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firm footing, and to fix, with a pause of delight and exultation, the instant when the first of these heroic adventurers alighted on the spot where you, their descendants, now enjoy the glorious and happy reward of their labors. But in this grateful task, your former orators, on this anniversary, have anticipated all that the most ardent industry could collect, and gratified all that the most inquisitive curiosity could desire. To you, my friends, every occurrence of that momentous period is already familiar. A transient allusion to a few characteristic instances, which mark the peculiar history of the Plymouth settlers, may properly supply the place of a narrative, which, to this auditory, must be superfluous.

One of these remarkable incidents is the execution of that instrument of government by which they formed themselves into a body politic, the day after their arrival upon the coast, and previous to their first landing. This is, perhaps, the only instance in human history of that positive, original social compact, which speculative philosophers have imagined as the only legitimate source of government. Here was a unanimous and personal assent, by all the individuals of the community, to the association by which they became a nation. It was the result of circumstances and discussions which had occurred during their passage from Europe, and is a full demonstration that the nature of civil government, abstracted from the political institutions of their native country, had been an object of their serious meditation. The settlers of all the former European colonies had contented themselves with the powers conferred upon them by their respective charters, without looking beyond the seal of the royal parchment for the measure of their rights and the rule of their duties.

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The founders of Plymouth had been impelled by the peculiarities of their situation to examine the subject with deeper and more comprehensive research. After twelve years of banishment from the land of their first allegiance, during which they had been under an adoptive and temporary subjection to another sovereign, they must naturally have been led to reflect upon the relative rights and duties of allegiance and subjection. They had resided in a city, the seat of a university, where the polemical and political controversies of the time were pursued with uncommon fervor. In this period they had witnessed the deadly struggle between the two parties, into which the people of the United Provinces, after their separation from the crown of Spain, had divided themselves. The contest embraced within its compass not only theological doctrines, but political principles, and Maurice and Barnevelt were the temporal leaders of the same rival factions, of which Episcopius and Polyander were the ecclesiastical champions.

That the investigation of the fundamental principles of government was deeply implicated in these dissensions is evident from the immortal work of Grotius, upon the rights of war and peace, which undoubtedly originated from them. Grotius himself had been a most distinguished actor and sufferer in those important scenes of internal convulsion, and his work was first published very shortly after the departure of our forefathers from Leyden. It is well known that in the course of the contest Mr. Robinson more than once appeared, with credit to himself, as a public disputant against Episcopius; and from the manner in which the fact is related by Governor Bradford, it is apparent that the whole English Church at Leyden took a zealous interest in the religious part of the controversy. As strangers in

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the land, it is presumable that they wisely and honorably avoided entangling themselves in the political contentions involved with it. Yet the theoretic principles, as they were drawn into discussion, could not fail to arrest their attention, and must have assisted them to form accurate ideas concerning the origin and extent of authority among men, independent of positive institutions. The importance of these circumstances will not be duly weighed without taking into consideration the state of opinion then prevalent in England. The general principles of government were there little understood and less examined. The whole substance of human authority was centred in the simple doctrine of royal prerogative, the origin of which was always traced in theory to divine institution. Twenty years later, the subject was more industriously sifted, and for half a century became one of the principal topics of controversy between the ablest and most enlightened men in the nation. The instrument of voluntary association executed on board the "Mayflower" testifies that the parties to it had anticipated the improvement of their nation.

Another incident, from which we may derive occasion for important reflections, was the attempt of these original settlers to establish among them that community of goods and of labor, which fanciful politicians, from the days of Plato to those of Rousseau, have recommended as the fundamental law of a perfect republic. This theory results, it must be acknowledged, from principles of reasoning most flattering to the human character. If industry, frugality, and disinterested integrity were alike the virtues of all, there would, apparently, be more of the social spirit, in making all property a common stock, and giving to each individual a proportional title to the wealth of the whole.

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Such is the basis upon which Plato forbids, in his Republic, the division of property. Such is the system upon which Rousseau pronounces the first man who inclosed a field with a fence, and said, "This is mine," a traitor to the human species. A wiser and more useful philosophy, however, directs us to consider man according to the nature in which he was formed; subject to infirmities, which no wisdom can remedy; to weaknesses, which no institution can strengthen; to vices, which no legislation can correct. Hence, it becomes obvious that separate property is the natural and indisputable right of separate exertion; that community of goods without community of toil is oppressive and unjust; that it counteracts the laws of nature, which prescribe that he only who sows the seed shall reap the harvest; that it discourages all energy, by destroying its rewards; and makes the most virtuous and active members of society the slaves and drudges of the worst. Such was the issue of this experiment among our forefathers, and the same event demonstrated the error of the system in the elder settlement of Virginia. Let us cherish that spirit of harmony which prompted our forefathers to make the attempt, under circumstances more favorable to its success than, perhaps, ever occurred upon earth. Let us no less admire the candor with which they relinquished it, upon discovering its irremediable inefficacy. To found principles of government upon too advantageous an estimate of the human character is an error of inexperience, the source of which is so amiable that it is impossible to censure it with severity. We have seen the same mistake committed in our own age, and upon a larger theatre. Happily for our ancestors, their situation allowed them to repair it before its effects had proved destructive. They

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had no pride of vain philosophy to support, no perfidious rage of faction to glut, by persevering in their mistakes until they should be extinguished in torrents of blood.

As the attempt to establish among themselves the community of goods was a seal of that sacred bond which knit them so closely together, so the conduct they observed toward the natives of the country displays their steadfast adherence to the rules of justice and their faithful attachment to those of benevolence and charity.

No European settlement ever formed upon this continent has been more distinguished for undeviating kindness and equity toward the savages. There are, indeed, moralists who have questioned the right of the Europeans to intrude upon the possessions of the aboriginals in any case, and under any limitations whatsoever. But have they maturely considered the whole subject? The Indian right of possession itself stands, with regard to the greater part of the country, upon a questionable foundation. Their cultivated fields; their constructed habitations; a space of ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of ten thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of a world? Shall he forbid the wilderness to

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blossom like a rose? Shall he forbid the oaks of the forest to fall before the axe of industry, and to rise again, transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howlings of the tiger and the wolf silence forever the voice of human gladness? Shall the fields and the valleys, which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hand of nature, as channels of communication between numerous nations, roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors, a thousand leagues of coast, and a boundless ocean, been spread in the front of this land, and shall every purpose of utility to which they could apply be prohibited by the tenant of the woods? No, generous philanthropists! Heaven has not been thus inconsistent in the works of its hands. Heaven has not thus placed at irreconcilable strife its moral laws with its physical creation. The Pilgrims of Plymouth obtained their right of possession to the territory on which they settled, by titles as fair and unequivocal as any human property can be held. By their voluntary association they recognized their allegiance to the government of Britain, and in process of time received whatever powers and authorities could be conferred upon them by a charter from their sovereign. The spot on which they fixed had belonged to an Indian tribe, totally extirpated by that devouring pestilence which had swept the country shortly before their arrival. The territory, thus free from all exclusive possession, they might have taken by the natural right of occupancy. Desirous, however, of giving ample satisfaction to

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every pretence of prior right, by formal and solemn conventions with the chiefs of the neighboring tribes, they acquired the further security of a purchase. At their hands the children of the desert had no cause of complaint. On the great day of retribution, what thousands, what millions of the American race will appear at the bar of judgment to arraign their European invading conquerors! Let us humbly hope that the fathers of the Plymouth Colony will then appear in the whiteness of innocence. Let us indulge in the belief that they will not only be free from all accusation of injustice to these unfortunate sons of nature, but that the testimonials of their acts of kindness and benevolence toward them will plead the cause of their virtues, as they are now authenticated by the record of history upon earth.

Religious discord has lost her sting; the cumbrous weapons of theological warfare are antiquated; the field of politics supplies the alchemists of our times with materials of more fatal explosion, and the butchers of mankind no longer travel to another world for instruments of cruelty and destruction. Our age is too enlightened to contend upon topics which concern only the interests of eternity; the men who hold in proper contempt all controversies about trifles, except such as inflame their own passions, have made it a commonplace censure against your ancestors, that their zeal was enkindled by subjects of trivial importance; and that however aggrieved by the intolerance of others, they were alike intolerant themselves. Against these objections, your candid judgment will not require an unqualified justification; but your respect and gratitude for the founders of the State may boldly claim an ample apology. The original grounds of their separation from the

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Church of England were not objects of a magnitude to dissolve the bonds of communion, much less those of charity, between Christian brethren of the same essential principles. Some of them, however, were not inconsiderable, and numerous inducements concurred to give them an extraordinary interest in their eyes. When that portentous system of abuses, the Papal dominion, was overturned, a great variety of religious sects arose in its stead in the several countries, which for many centuries before had been screwed beneath its subjection. The fabric of the Reformation, first undertaken in England upon a contracted basis, by a capricious and sanguinary tyrant, had been successively overthrown and restored, renewed and altered, according to the varying humors and principles of four successive monarchs. To ascertain the precise point of division between the genuine institutions of Christianity and the corruptions accumulated upon them in the progress of fifteen centuries, was found a task of extreme difficulty throughout the Christian world.

Men of the profoundest learning, of the sublimest genius, and of the purest integrity, after devoting their lives to the research, finally differed in their ideas upon many great points, both of doctrine and discipline. The main question, it was admitted on all hands, most intimately concerned the highest interests of man, both temporal and eternal. Can we wonder that men who felt their happiness here and their hopes of hereafter, their worldly welfare and the kingdom of heaven at stake, should sometimes attach an importance beyond their intrinsic weight to collateral points of controversy, connected with the all-involving object of the Reformation? The changes in the forms and principles of religious worship were introduced and regulated in England by

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the hand of public authority. But that hand had not been uniform or steady in its operations. During the persecutions inflicted in the interval of Popish restoration under the reign of Mary, upon all who favored the Reformation, many of the most zealous reformers had been compelled to fly their country. While residing on the continent of Europe, they had adopted the principles of the most complete and rigorous reformation, as taught and established by Calvin. On returning afterward to their native country, they were dissatisfied with the partial reformation, at which, as they conceived, the English establishment had rested; and claiming the privilege of private conscience, upon which alone any departure from the Church of Rome could be justified, they insisted upon the right of adhering to the system of their own preference, and, of course, upon that of non-conformity to the establishment prescribed by the royal authority. The only means used to convince them of error and reclaim them from dissent was force, and force served but to confirm the opposition it was meant to suppress. By driving the founders of the Plymouth Colony into exile, it constrained them to absolute separation from the Church of England; and by the refusal afterward to allow them a positive toleration, even in this American wilderness, the council of James I. rendered that separation irreconcilable. Viewing their religious liberties here, as held only by sufferance, yet bound to them by all the ties of conviction, and by all their sufferings for them, could they forbear to look upon every dissenter among themselves with a jealous eye? Within two years after their landing, they beheld a rival settlement attempted in their immediate neighborhood; and not long after, the laws of self-preservation compelled them to break up a nest of rev-

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ellers, who boasted of protection from the mother country, and who had recurred to the easy but pernicious resource of feeding their wanton idleness, by furnishing the savages with the means, the skill, and the instruments of European destruction. Toleration, in that instance, would have been self-murder, and many other examples might be alleged, in which their necessary measures of self-defence have been exaggerated into cruelty, and their most indispensable precautions distorted into persecution. Yet shall we not pretend that they were exempt from the common laws of mortality, or entirely free from all the errors of their age. Their zeal might sometimes be too ardent, but it was always sincere. At this day, religious indulgence is one of our clearest duties, because it is one of our undisputed rights. While we rejoice that the principles of genuine Christianity have so far triumphed over the prejudices of a former generation, let us fervently hope for the day when it will prove equally victorious over the malignant passions of our own.

In thus calling your attention to some of the peculiar features in the principles, the character, and the history of our forefathers, it is as wide from my design, as I know it would be from your approbation, to adorn their memory with a chaplet plucked from the domain of others. The occasion and the day are more peculiarly devoted to them, and let it never be dishonored with a contracted and exclusive spirit. Our affections as citizens embrace the whole extent of the Union, and the names of Raleigh, Smith, Winthrop, Calvert, Penn and Oglethorpe excite in our minds recollections equally pleasing and gratitude equally fervent with those of Carver and Bradford. Two centuries have not yet elapsed since the first European

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foot touched the soil which now constitutes the American Union. Two centuries more and our numbers must exceed those of Europe itself. The destinies of this empire, as they appear in prospect before us, disdain the powers of human calculation. Yet, as the original founder of the Roman State is said once to have lifted upon his shoulders the fame and fortunes of all his posterity, so let us never forget that the glory and greatness of all our descendants is in our hands. Preserve in all their purity, refine, if possible, from all their alloy, those virtues which we this day commemorate as the ornament of our forefathers. Adhere to them with inflexible resolution, as to the horns of the altar; instil them with unwearied perseverance into the minds of your children; bind your souls and theirs to the national Union as the chords of life are centred in the heart, and you shall soar with rapid and steady wing to the summit of human glory. Nearly a century ago, one of those rare minds to whom it is given to discern future greatness in its seminal principles, upon contemplating the situation of this continent, pronounced, in a vein of poetic inspiration, "Westward the star of empire takes its way." Let us unite in ardent supplication to the Founder of nations and the Builder of worlds, that what then was prophecy may continue unfolding into history—that the dearest hopes of the human race may not be extinguished in disappointment, and that the last may prove the noblest empire of time.

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LAFAYETTE

DELIVERED IN CONGRESS, DECEMBER 31, 1834

ON THE 6th of September, 1757, Lafayette was born. The kings of France and Britain were seated upon their thrones by virtue of the principle of hereditary succession, variously modified and blended with different forms of religious faith, and they were waging war against each other, and exhausting the blood and treasure of their people for causes in which neither of the nations had any beneficial or lawful interest.

In this war the father of Lafayette fell in the cause of his king but not of his country. He was an officer of an invading army, the instrument of his sovereign's wanton ambition and lust of conquest. The people of the electorate of Hanover had done no wrong to him or to his country. When his son came to an age capable of understanding the irreparable loss that he had suffered, and to reflect upon the causes of his father's fate, there was no drop of consolation mingled in the cup from the consideration that he had died for his country. And when the youthful mind was awakened to meditation upon the rights of mankind, the principles of freedom, and theories of government, it cannot be difficult to perceive in the illustrations of his own family records the source of that aversion to hereditary rule, perhaps the most distinguishing feature of his own political opinions, and to which he adhered through all the vicissitudes of his life. . . .

Lafayette was born a subject of the most absolute and

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most splendid monarchy of Europe, and in the highest rank of her proud and chivalrous nobility. He had been educated at a college of the University of Paris, founded by the royal munificence of Louis XIV., or Cardinal Richelieu. Left an orphan in early childhood, with the inheritance of a princely fortune, he had been married, at sixteen years of age, to a daughter of the House of Noailles, the most distinguished family of the kingdom, scarcely deemed in public consideration inferior to that which wore the crown. He came into active life, at the change from boy to man, a husband and a father, in the full enjoyment of everything that avarice could covet, with a certain prospect before him of all that ambition could crave. Happy in his domestic affections, incapable, from the benignity of his nature, of envy, hatred, or revenge, a life of "ignoble ease and indolent repose" seemed to be that which nature and fortune had combined to prepare before him. To men of ordinary mold this condition would have led to a life of luxurious apathy and sensual indulgence. Such was the life into which, from the operation of the same causes, Louis XV. had sunk, with his household and court, while Lafayette was rising to manhood surrounded by the contamination of their example. Had his natural endowments been even of the higher and nobler order of such as adhere to virtue, even in the lap of prosperity, and in the bosom of temptation, he might have lived and died a pattern of the nobility of France, to be classed, in aftertimes, with the Turennes and the Montausiers of the age of Louis XIV., or with the Villars or the Lamoignons of the age immediately preceding his own.

But as, in the firmament of heaven that rolls over our heads, there is, among the stars of the first magnitude, one

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so pre-eminent in splendor as, in the opinion of astronomers, to constitute a class by itself, so in the fourteen hundred years of the French monarchy, among the multitudes of great and mighty men which it has evolved, the name of Lafayette stands unrivalled in the solitude of glory.

In entering upon the threshold of life, a career was to open before him. He had the option of the court and the camp. An office was tendered to him in the household of the king's brother, the Count de Provence, since successively a royal exile and a reinstated king. The servitude and inaction of a court had no charms for him; he preferred a commission in the army, and, at the time of the Declaration of Independence, was a captain of dragoons in garrison at Metz.

There, at an entertainment given by his relative, the Marechal de Broglie, the commandant of the place, to the Duke of Gloucester, brother to the British king, and then a transient traveller through that part of France, he learns, as an incident of intelligence received that morning by the English prince from London, that the congress of rebels at Philadelphia had issued a Declaration of Independence. A conversation ensues upon the causes which have contributed to produce this event, and upon the consequences which may be expected to flow from it. The imagination of Lafayette has caught across the Atlantic tide the spark emitted from the Declaration of Independence; his heart has kindled at the shock, and, before he slumbers upon his pillow, he has resolved to devote his life and fortune to the cause.

You have before you the cause and the man. The self-devotion of Lafayette was twofold. First to the people, maintaining a bold and seemingly desperate struggle against oppression, and for national existence. Secondly, and

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chiefly, to the principles of their declaration, which then first unfurled before his eyes the consecrated standard of human rights. To that standard, without an instant of hesitation, he repaired. Where it would lead him, it is scarcely probable that he himself then foresaw. It was then identical with the Stars and Stripes of the American Union, floating to the breeze from the Hall of Independence, at Philadelphia. Nor sordid avarice, nor vulgar ambition, could point his footsteps to the pathway leading to that banner. To the love of ease or pleasure nothing could be more repulsive. Something may be allowed to the beatings of the youthful breast, which make ambition virtue, and something to the spirit of military adventure, imbibed from his profession, and which he felt in common with many others. France, Germany, Poland, furnished to the armies of this Union, in our revolutionary struggle, no inconsiderable number of officers of high rank and distinguished merit. The names of Pulaski and De Kalb are numbered among the martyrs of our freedom, and their ashes repose in our soil side by side with the canonized bones of Warren and of Montgomery. To the virtues of Lafayette, a more protracted career and happier earthly destinies were reserved. To the moral principle of political action, the sacrifices of no other man were comparable to his. Youth, health, fortune; the favor of his king; the enjoyment of ease and pleasure; even the choicest blessings of domestic felicity—he gave them all for toil and danger in a distant land, and an almost hopeless cause; but it was the cause of justice, and of the rights of humankind. . . .

Pronounce him one of the first men of his age, and you have not yet done him justice. Try him by that test to which he sought in vain to stimulate the vulgar and selfish

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spirit of Napoleon; class him among the men who, to compare and seat themselves, must take in the compass of all ages; turn back your eyes upon the records of time, summon from the creation of the world to this day the mighty dead of every age and every clime—and where, among the race of merely mortal men, shall one be found who, as the benefactor of his kind, shall claim to take precedence of Lafayette?

There have doubtless been, in all ages, men whose discoveries or inventions, in the world of matter or of mind, have opened new avenues to the dominion of man over the material creation; have increased his means or his faculties of enjoyment; have raised him in nearer approximation to that higher and happier condition, the object of his hopes and aspirations in his present state of existence.

Lafayette discovered no new principle of politics or of morals. He invented nothing in science. He disclosed no new phenomenon in the laws of nature. Born and educated in the highest order of feudal nobility, under the most absolute monarchy of Europe, in possession of an affluent fortune, and master of himself and of all his capabilities, at the moment of attaining manhood the principle of republican justice and of social equality took possession of his heart and mind, as if by inspiration from above. He devoted himself, his life, his fortune, his hereditary honors, his towering ambition, his splendid hopes, all to the cause of liberty. He came to another hemisphere to defend her. He became one of the most effective champions of our independence; but, that once achieved, he returned to his own country, and thenceforward took no part in the controversies which have divided us. In the events of our revolution, and in the forms of policy which we have adopted for

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the establishment and perpetuation of our freedom, Lafayette found the most perfect form of government. He wished to add nothing to it. He would gladly have abstracted nothing from it. Instead of the imaginary republic of Plato, or the Utopia of Sir Thomas More, he took a practical existing model, in actual operation here, and never attempted or wished more than to apply it faithfully to his own country.

It was not given to Moses to enter the promised land; but he saw it from the summit of Pisgah. It was not given to Lafayette to witness the consummation of his wishes in the establishment of a republic and the extinction of all hereditary rule in France. His principles were in advance of the age and hemisphere in which he lived. A Bourbon still reigns on the throne of France, and it is not for us to scrutinize the title by which he reigns. The principles of elective and hereditary power, blended in reluctant union in his person, like the red and white roses of York and Lancaster, may postpone to aftertime the last conflict to which they must ultimately come. The life of the patriarch was not long enough for the development of his whole political system. Its final accomplishment is in the womb of time.

The anticipation of this event is the more certain, from the consideration that all the principles for which Lafayette contended were practical. He never indulged himself in wild and fanciful speculations. The principle of hereditary power was, in his opinion, the bane of all republican liberty in Europe. Unable to extinguish it in the Revolution of 1830, so far as concerned the chief magistracy of the nation, Lafayette had the satisfaction of seeing it abolished with reference to the peerage. A hereditary crown, stripped

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of the support which it may derive from a hereditary peerage, however compatible with Asiatic despotism, is an anomaly in the history of the Christian world, and in the theory of free government. There is no argument producible against the existence of a hereditary peerage but applies with aggravated weight against the transmission, from sire to son, of a hereditary crown. The prejudices and passions of the people of France rejected the principle of inherited power, in every station of public trust, excepting the first and highest of them all; but there they clung to it, as did the Israelites of old to the savory deities of Egypt.

This is not the time nor the place for a disquisition upon the comparative merits, as a system of government, of a republic, and a monarchy surrounded by republican institutions. Upon this subject there is among us no diversity of opinion; and if it should take the people of France another half century of internal and external war, of dazzling and delusive glories, of unparalleled triumphs, humiliating reverses, and bitter disappointments, to settle it to their satisfaction, the ultimate result can only bring them to the point where we have stood from the day of the Declaration of Independence—to the point where Lafayette would have brought them, and to which he looked as a consummation devoutly to be wished.

Then, too, and then only, will be the time when the character of Lafayette will be appreciated at its true value throughout the civilized world. When the principle of hereditary dominion shall be extinguished in all the institutions of France; when government shall no longer be considered as property transmissible from sire to son, but as a trust committed for a limited time, and then to return to the people whence it came; as a burdensome duty to be

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discharged, and not as a reward to be abused; when a claim, any claim, to political power by inheritance shall, in the estimation of the whole French people, be held as it now is by the whole people of the North American Union—then will be the time for contemplating the character of Lafayette, not merely in the events of his life, but in the full development of his intellectual conceptions, of his fervent aspirations, of the labors and perils and sacrifices of his long and eventful career upon earth; and thenceforward, till the hour when the trump of the Archangel shall sound to announce that Time shall be no more, the name of Lafayette shall stand enrolled upon the annals of our race, high on the list of the pure and disinterested benefactors of mankind.

THE JUBILEE OF THE CONSTITUTION

DELIVERED AT NEW YORK, APRIL 30, 1839

Fellow-Citizens and Brethren, Associates of the New York Historical Society:

WOULD it be an unlicensed trespass of the imagination to conceive that on the night preceding the day of which you now commemorate the fiftieth anniversary—on the night preceding that thirtieth of April, 1789, when from the balcony of your city hall the chancellor of the State of New York administered to George Washington the solemn oath faithfully to execute the office of President of the United States, and to the best of his ability to preserve, protect, and defend the Constitution of the United States—that in the visions of the night the guardian angel of the Father of our Country had appeared before him, in

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the venerated form of his mother, and, to cheer and encourage him in the performance of the momentous and solemn duties that he was about to assume, had delivered to him a suit of celestial armor—a helmet, consisting of the principles of piety, of justice, of honor, of benevolence, with which from his earliest infancy he had hitherto walked through life, in the presence of all his brethren; a spear, studded with the self-evident truths of the Declaration of Independence; a sword, the same with which he had led the armies of his country through the war of freedom to the summit of the triumphal arch of independence; a corselet and cuishes of long experience and habitual intercourse in
8 peace and war with the world of mankind, his contemporaries of the human race, in all their stages of civilization; and, last of all, the Constitution of the United States, a shield, embossed by heavenly hands with the future history of his country?

Yes, gentlemen, on that shield the Constitution of the United States was sculptured (by forms unseen, and in characters then invisible to mortal eye), the predestined and prophetic history of the one confederated people of the North American Union.

They had been the settlers of thirteen separate and distinct English colonies, along the margin of the shore of the North American Continent; contiguously situated, but chartered by adventurers of characters variously diversified, including sectarians, religious and political, of all the classes which for the two preceding centuries had agitated and divided the people of the British islands—and with them were intermingled the descendants of Hollanders, Swedes, Germans, and French fugitives from the persecution of the revoker of the Edict of Nantes.

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In the bosoms of this people, thus heterogeneously composed, there was burning, kindled at different furnaces, but all furnaces of affliction, one clear, steady flame of liberty. Bold and daring enterprise, stubborn endurance of privation, unflinching intrepidity in facing danger, and inflexible adherence to conscientious principle, had steeled to energetic and unyielding hardihood the characters of the primitive settlers of all these colonies. Since that time two or three generations of men had passed away, but they had increased and multiplied with unexampled rapidity; and the land itself had been the recent theatre of a ferocious and bloody seven years' war between the two most powerful and most civilized nations of Europe contending for the possession of this continent.

Of that strife the victorious combatant had been Britain. She had conquered the provinces of France. She had expelled her rival totally from the continent, over which, bounding herself by the Mississippi, she was thenceforth to hold divided empire only with Spain. She had acquired undisputed control over the Indian tribes still tenanting the forests unexplored by the European man. She had established an uncontested monopoly of the commerce of all her colonies. But forgetting all the warnings of preceding ages —forgetting the lessons written in the blood of her own children, through centuries of departed time—she undertook to tax the people of the colonies without their consent.

Resistance, instantaneous, unconcerted, sympathetic, inflexible resistance, like an electric shock, startled and roused the people of all the English colonies on this continent.

This was the first signal of the North American Union. The struggle was for chartered rights—for English liberties

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—for the cause of Algernon Sidney and John Hampden—for trial by jury—the Habeas Corpus and Magna Charta.

But the English lawyers had decided that Parliament was omnipotent—and Parliament, in its omnipotence, instead of trial by jury and the Habeas Corpus, enacted admiralty courts in England to try Americans for offences charged against them as committed in America; instead of the privileges of Magna Charta, nullified the charter itself of Massachusetts Bay; shut up the port of Boston; sent armies and navies to keep the peace and teach the colonies that John Hampden was a rebel and Algernon Sidney a traitor.

English liberties had failed them. From the omnipotence of Parliament the colonists appealed to the rights of man and the omnipotence of the God of battles. Union! Union! was the instinctive and simultaneous cry throughout the land. Their Congress, assembled at Philadelphia, once—twice—had petitioned the king; had remonstrated to Parliament; had addressed the people of Britain, for the rights of Englishmen—in vain. Fleets and armies, the blood of Lexington, and the fires of Charlestown and Falmouth, had been the answer to petition, remonstrance, and address. . . .

The dissolution of allegiance to the British crown, the severance of the colonies from the British Empire, and their actual existence as independent States, were definitively established in fact, by war and peace. The independence of each separate State had never been declared of right. It never existed in fact. Upon the principles of the Declaration of Independence, the dissolution of the ties of allegiance, the assumption of sovereign power, and the institution of civil government, are all acts of transcendant authority,

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which the people alone are competent to perform; and, accordingly, it is in the name and by the authority of the people, that two of these acts—the dissolution of allegiance, with the severance from the British Empire, and the declaration of the United Colonies, as free and independent States—were performed by that instrument.

But there still remained the last and crowning act, which the people of the Union alone were competent to perform—the institution of civil government, for that compound nation, the United States of America.

At this day it cannot but strike us as extraordinary, that it does not appear to have occurred to any one member of that assembly, which had laid down in terms so clear, so explicit, so unequivocal, the foundation of all just government, in the imprescriptible rights of man, and the transcendent sovereignty of the people, and who in those principles had set forth their only personal vindication from the charges of rebellion against their king, and of treason to their country, that their last crowning act was still to be performed upon the same principles. That is, the institution, by the people of the United States, of a civil government, to guard and protect and defend them all. On the contrary, that same assembly which issued the Declaration of Independence, instead of continuing to act in the name and by the authority of the good people of the United States, had, immediately after the appointment of the committee to prepare the Declaration, appointed another committee, of one member from each colony, to prepare and digest the form of confederation to be entered into between the colonies.

That committee reported on the twelfth of July, eight days after the Declaration of Independence had been issued,

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a draft of articles of confederation between the colonies. This draft was prepared by John Dickinson, then a delegate from Pennsylvania, who voted against the Declaration of Independence, and never signed it, having been superseded by a new election of delegates from that State, eight days after his draft was reported.

There was thus no congeniality of principle between the Declaration of Independence and the Articles of Confederation. The foundation of the former was a superintending Providence—the rights of man, and the constituent revolutionary power of the people. That of the latter was the sovereignty of organized power, and the independence of the separate or dis-united States. The fabric of the Declaration and that of the Confederation were each consistent with its own foundation, but they could not form one consistent, symmetrical edifice. They were the productions of different minds and of adverse passions; one, ascending for the foundation of human government to the laws of nature and of God, written upon the heart of man; the other, resting upon the basis of human institutions, and prescriptive law, and colonial charter. The cornerstone of the one was right, that of the other was power. . . .

Where, then, did each State get the sovereignty, freedom, and independence, which the Articles of Confederation declare it retains?—not from the whole people of the whole Union—not from the Declaration of Independence—not from the people of the State itself. It was assumed by agreement between the Legislatures of the several States, and their delegates in Congress, without authority from or consultation of the people at all.

In the Declaration of Independence, the enacting and constituent party dispensing and delegating sovereign power

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is the whole people of the United Colonies. The recipient party, invested with power, is the United Colonies, declared United States.

In the Articles of Confederation, this order of agency is inverted. Each State is the constituent and enacting party, and the United States in Congress assembled the recipient of delegated power—and that power delegated with such a penurious and carking hand that it had more the aspect of a revocation of the Declaration of Independence than an instrument to carry it into effect.

None of these indispensably necessary powers were ever conferred by the State Legislatures upon the Congress of the federation; and well was it that they never were. The system itself was radically defective. Its incurable disease was an apostasy from the principles of the Declaration of Independence. A substitution of separate State sovereignties, in the place of the constituent sovereignty of the people, was the basis of the Confederate Union.

In the Congress of the Confederation, the master minds of James Madison and Alexander Hamilton were constantly engaged through the closing years of the Revolutionary War and those of peace which immediately succeeded. That of John Jay was associated with them shortly after the peace, in the capacity of Secretary to the Congress for Foreign Affairs. The incompetency of the Articles of Confederation for the management of the affairs of the Union at home and abroad was demonstrated to them by the painful and mortifying experience of every day. Washington, though in retirement, was brooding over the cruel injustice suffered by his associates in arms, the warriors of the Revolution; over the prostration of the public credit and the faith of the nation, in the neglect to provide for the payment even of the

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interest upon the public debt; over the disappointed hopes of the friends of freedom; in the language of the address from Congress to the States of the eighteenth of April, 1783 —"the pride and boast of America, that the rights for which she contended were the rights of human nature."

At his residence at Mount Vernon, in March, 1785, the first idea was started of a revisal of the Articles of Confederation, by an organization, of means differing from that of a compact between the State Legislatures and their own delegates in Congress. A convention of delegates from the State Legislatures, independent of the Congress itself, was the expedient which presented itself for effecting the purpose, and an augmentation of the powers of Congress for the regulation of commerce, as the object for which this assembly was to be convened. In January, 1786, the proposal was made and adopted in the Legislature of Virginia, and communicated to the other State Legislatures.

The Convention was held at Annapolis, in September of that year. It was attended by delegates from only five of the central States, who, on comparing their restricted powers with the glaring and universally acknowledged defects of the Confederation, reported only a recommendation for the assemblage of another convention of delegates to meet at Philadelphia, in May, 1787, from all the States, and with enlarged powers.

The Constitution of the United States was the work of this Convention. But in its construction the Convention immediately perceived that they must retrace their steps, and fall back from a league of friendship between sovereign States to the constituent sovereignty of the people; from power to right—from the irresponsible despotism of State sovereignty to the self-evident truths of the Declaration of

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Independence. In that instrument, the right to institute and to alter governments among men was ascribed exclusively to the people—the ends of government were declared to be to secure the natural rights of man; and that when the government degenerates from the promotion to the destruction of that end, the right and the duty accrues to the people to dissolve this degenerate government and to institute another. The signers of the Declaration further averred, that the one people of the United Colonies were then precisely in that situation—with a government degenerated into tyranny, and called upon by the laws of nature and of nature's God to dissolve that government and to institute another. Then, in the name and by the authority of the good people of the colonies, they pronounced the dissolution of their allegiance to the king, and their eternal separation from the nation of Great Britain—and declared the United Colonies independent States. And here as the representatives of the one people they had stopped. They did not require the confirmation of this act, for the power to make the declaration had already been conferred upon them by the people, delegating the power, indeed, separately in the separate colonies, not by colonial authority, but by the spontaneous revolutionary movement of the people in them all.

From the day of that Declaration, the constituent power of the people had never been called into action. A confederacy had been substituted in the place of a government, and State sovereignty had usurped the constituent sovereignty of the people.

The Convention assembled at Philadelphia had themselves no direct authority from the people. Their authority was all derived from the State Legislatures. But they

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had the Articles of Confederation before them, and they saw and felt the wretched condition into which they had brought the whole people, and that the Union itself was in the agonies of death. They soon perceived that the indispensably needed powers were such as no State government, no combination of them, was by the principles of the Declaration of Independence competent to bestow. They could emanate only from the people. A highly respectable portion of the assembly, still clinging to the confederacy of States, proposed, as a substitute for the Constitution, a mere revival of the Articles of Confederation, with a grant of additional powers to the Congress. Their plan was respectfully and thoroughly discussed, but the want of a government and of the sanction of the people to the delegation of powers happily prevailed. A constitution for the people, and the distribution of legislative, executive, and judicial powers was prepared. It announced itself as the work of the people themselves; and as this was unquestionably a power assumed by the Convention, not delegated to them by the people, they religiously confined it to a simple power to propose, and carefully provided that it should be no more than a proposal until sanctioned by the Confederation Congress, by the State Legislatures, and by the people of the several States, in conventions specially assembled, by authority of their Legislatures, for the single purpose of examining and passing upon it.

And thus was consummated the work commenced by the Declaration of Independence—a work in which the people of the North American Union, acting under the deepest sense of responsibility to the Supreme Ruler of the universe, had achieved the most transcendent act of power that social man in his mortal condition can perform—even that of dissolving

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the ties of allegiance by which he is bound to his country; of renouncing that country itself; of demolishing its government; of instituting another government; and of making for himself another country in its stead.

And on that day, of which you now commemorate the fiftieth anniversary—on that thirtieth day of April, 1789—was this mighty revolution, not only in the affairs of our own country, but in the principles of government over civilized man, accomplished.

The Revolution itself was a work of thirteen years—and had never been completed until that day. The Declaration of Independence and the Constitution of the United States are parts of one consistent whole, founded upon one and the same theory of government, then new in practice, though not as a theory, for it had been working itself into the mind of man for many ages, and had been especially expounded in the writings of Locke, though it had never before been adopted by a great nation in practice.

There are yet, even at this day, many speculative objections to this theory. Even in our own country there are still philosophers who deny the principles asserted in the Declaration, as self-evident truths—who deny the natural equality and inalienable rights of man—who deny that the people are the only legitimate source of power—who deny that all just powers of government are derived from the consent of the governed. Neither your time, nor perhaps the cheerful nature of this occasion, permit me here to enter upon the examination of this anti-revolutionary theory, which arrays State sovereignty against the constituent sovereignty of the people, and distorts the Constitution of the United States into a league of friendship between confederate corporations. I speak to matters of fact. There is the Declara-

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tion of Independence, and there is the Constitution of the United States—let them speak for themselves. The grossly immoral and dishonest doctrine of despotic State sovereignty, the exclusive judge of its own obligations, and responsible to no power on earth or in heaven, for the violation of them, is not there. The Declaration says, it is not in me. The Constitution says, it is not in me.

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JACKSON

ANDREW JACKSON was born in 1767, at the Waxhaw or Warsaw Settlement on the boundary of North and South Carolina, whither his parents had emigrated from Carrickfergus in Ireland, in 1765. He had no regular schooling. Some slight share he had in the War of Independence, and was taken prisoner in 1781. Subsequently he studied law at Salisbury, North Carolina, and, having been admitted to the bar, began to practice at Nashville, Tennessee. In 1796 he helped to frame the Constitution of Tennessee, and represented that State in the Federal Congress, where he distinguished himself as an irreconcilable opponent of Washington. In 1797 he was elected a United States Senator, but resigned in the following year. He was Judge of the Supreme Court of Tennessee from 1798 to 1804. At the trial of Aaron Burr in 1807, Jackson was one of his conspicuous champions. In 1813, as Major-General of Militia, he commanded in the campaign against the Creek Indians in Georgia and Alabama, and there first attracted general notice by his talents. In May, 1814, he was commissioned a Major-General in the regular army to serve against the British. In November, he captured Pensacola, which had been used as a base of operations, and on January 8, 1815, he inflicted a severe defeat on the enemy before New Orleans. In 1818 he received the command against the Seminoles in Florida, and in 1821 he was appointed military governor of that territory. In August, 1822, the Tennessee House of Representatives nominated Jackson for President, and in the following year he was sent to the Federal Senate. In the general election of 1824 Jackson obtained the largest number of electoral votes, but at the ensuing election by the House of Representatives Adams was chosen. In 1828 Jackson was elected President by a large majority, and was re-elected to a second term. In the course of his administration he overthrew the Bank of the United States, crushed the attempt of South Carolina to nullify Federal statutes, and, having quarrelled with John C. Calhoun, gave the weight of his influence to Van Buren's candidacy for the Presidency. When he went out of office on March 4, 1837, he was far more popular than when he first became Chief Magistrate, and, until the last day of his life, his name was a spell to conjure with. He died near Nashville on June 8, 1845.

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STATE RIGHTS AND FEDERAL SOVEREIGNTY

SECOND INAUGURAL ADDRESS, DELIVERED MARCH 4, 1833

Fellow-Citizens:

THE will of the American people, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of President of the United States for another term. For their approbation of my public conduct through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my gratitude.

It shall be displayed to the extent of my humble abilities in continued efforts so to administer the government as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years which have necessarily called forth—sometimes under circumstances the most delicate and painful—my views of the principles and policy which ought to be pursued by the general government that I need on this occasion but allude to a few leading considerations connected with some of them.

The foreign policy adopted by our government soon after the formation of our present Constitution, and very generally pursued by successive administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all and to submit to wrong from none has been during

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my administration its governing maxim, and so happy have been its results that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this government, there are two objects which especially deserve the attention of the people and their representatives, and which have been and will continue to be the subjects of my increasing solicitude. They are the preservation of the rights of the several States and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere, in conformity with the public will constitutionally expressed. To this end it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States which the people themselves have ordained for their own government.

My experience in public concerns and the observation of a life somewhat advanced confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the general government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract from its ability to fulfil the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional

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powers in arresting measures which may directly or indirectly encroach upon the rights of the States or tend to consolidate all political power in the general government. But of equal, and, indeed, of incalculable importance is the union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the general government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved; without union they never can be maintained. Divided into twenty-four, or even a smaller number, of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies, and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest.

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The eyes of all nations are fixed on our Republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our Federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it, and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the Constitution and to transmit unimpaired to posterity the blessings of our Federal Union. At the same time it will be my aim to inculcate by my official acts the necessity of exercising by the general government those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community and of all portions of the Union. Constantly bearing in mind that in entering into society "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster with our brethren in all parts of the country a spirit of liberal concession and compromise, and, by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make for the preservation of a greater good, to recommend our invaluable government and Union to the confidence and affections of the American people.

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Finally, it is my most fervent prayer to that Almighty Being before whom I now stand, and who has kept us in his hands from the infancy of our Republic to the present day, that he will so overrule all my intentions and actions and inspire the hearts of my fellow citizens that we may be preserved from dangers of all kinds and continue forever a united and happy people.

JACKSON'S FAREWELL ADDRESS

FELLOW CITIZENS,— Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interests of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors.

But I have the consolation of knowing that if mistakes have been committed they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world.

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If my humble efforts have in any degree contributed to preserve to you these blessings, I have been more than rewarded by the honor you have heaped upon me: and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come when advanced age and a broken frame warn me to retire from public concerns; but the recollection of the many favors you have bestowed upon me is engraved upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me; and will at least see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost fifty years under the constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period, the spirit in which they waged war with each other, and our intimate commercial connections with every part of the civilized world, rendered it a time of much difficulty for the government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our constitution yet in its infancy and under the disadvantages which a new and untried government must always feel when it is called to put forth its whole strength without the lights of experience to guide it or the weight of precedent to justify its measures. But we have passed triumphantly through all these difficulties.

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Our constitution is no longer a doubtful experiment; and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns there is everything to encourage us; and if you are true to yourselves nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvement, by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race — the original dwellers in our land — are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the general government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation and to preserve the blessing of peace, our intercourse with them has been conducted on the part of this government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and

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with a limited and, I trust, a temporary exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the federal constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who framed it; and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom and for the happiness of the people. At every hazard and by every sacrifice this union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the union was earnestly pressed upon his fellow citizens by the Father of his Country in his farewell address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds;" and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations as one of the means which might disturb our union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen should be cherished in the heart of every citizen to the latest generation; and perhaps at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passing around us, and dwell upon the pages of his

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parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events and warning us of the evil to come. Forty years have passed since that imperishable document was given to his countrymen. The federal constitution was then regarded by him as an experiment, and he so speaks of it in his address; but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the South against the North, and the North against the South, and to force into the controversy the most delicate and exciting topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the chief magistrate, as if it were desired that he should favor a particular quarter of the country instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the

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Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feeling of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and be determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present constitution; the proud name they

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bear as citizens of this great republic,—if these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious republic would soon be broken into a multitude of petty States armed for mutual aggressions, loaded with taxes to pay armies and leaders; seeking aid against each other from foreign powers, insulted and trampled upon by the nations of Europe, until, harassed with conflicts, and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors; and, when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired it is abso-

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lutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts or repealed by Congress, no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government, and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression on the part of the government as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people; and no citizen who loves his country would in any case whatever resort to forcible resistance unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country be arrayed in arms against those of another in doubtful conflict, let the battle

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result as it may, there will be an end of the Union, and with it an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measure proper to secure

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the safety of its citizens and promote their happiness; and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens in every quarter of our country are capable of attaining a high degree of prosperity and happiness without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered, it naturally provokes resentments which cannot be always allayed. Justice,

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full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national. . . .

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain that object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as her extended and still increasing commerce, point to the navy as our natural means of defence. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in a season of peace, and with an overflowing revenue, that we can year after year add to its strength without increasing the burdens of the people. It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defence its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a

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hostile force advancing from the ocean and selecting its object; but they are indispensable to prevent cities from bombardment; dock-yards and navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships of weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our military armed, we need not fear that any nation will wantonly insult us or needlessly provoke hostilities. We shall more certainly preserve peace when it is well understood that we are prepared for war.

In presenting to you, my fellow citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the republic. Our growth has been rapid beyond all former example, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man; and from the earliest ages of history to the present day there never have been thirteen millions of people associated together in one political body, who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civil-

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ized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you, as the guardians of freedom, to preserve it for the benefit of the human race. May he who holds in his hands the destinies of nations make you worthy of the favors he has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend to the end of time the great charge he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that he has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

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CHATEAUBRIAND

FRANÇOIS RENÉ, VISCOUNT DE CHATEAUBRIAND, was born at St. Malo, September 4, 1768. He received his education at Dol and Rennes, and, after declining to enter the Church, obtained a commission in the army. His thirst for distinction found vent in 1790 in a scheme for the discovery of the North-west Passage, in pursuance of which he departed for America. His return coincided with the execution of Louis XVI. As a Breton and a soldier, he could scarcely do otherwise than throw himself into the ranks of the *emigrés*, but, after the failure of the Duke of Brunswick's invasion, he retired to England, where he lived obscurely for some years. His first publication was the "Essay on Revolutions," which appeared in 1797. In this work he figures as a mediator between royalist and revolutionary ideas, as a free-thinker in religion and in philosophy imbued with the spirit of Rousseau. Three years later he was permitted to return to his native country, soon after which he brought out "Atila, or the Loves of Two Savages," a romance which immediately raised him to the summit of literary distinction. In the following year the author produced his "Genius of Christianity." It subserved the state-craft of Napoleon, who was undertaking to re-establish the Catholic religion in France, and the writer was appointed an *attaché* at Rome, whence he was transferred as envoy to the Canton of Valais. On the murder of the Duke of Enghien he resigned his post, and even ventured to censure Napoleon in a journal of which he had become proprietor. The fruit of a pilgrimage to Jerusalem was a record of travel distinguished by picturesqueness, and the prose epic of "The Martyrs." "The Natchez," of which "René," previously published, was an episode, did not appear until 1826, at which time also was brought out the tale of "The Last of the Abencerrages." With this composition Châteaubriand's career as an imaginative writer closed, and he has henceforth to be considered as a politician. His pamphlet, "Bonaparte and the Bourbons," published in 1814, while the fate of Napoleon trembled in the balance, was declared by Louis XVIII. to have been worth to him 100,000 men. Châteaubriand was called to the councils of the restored monarchy, accompanied his sovereign to Ghent during the Hundred Days, and, for a time, associated himself with the excesses of the Royalist reaction. He gradually, however, drifted to liberalism and opposition, and, upon a change of ministry, obtained the London embassy, from which he was transferred to represent his country at the Congress of Verona. Here he made himself mainly responsible for the iniquitous

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invasion of Spain. He next received the portfolio of Foreign Affairs, but soon lost it by the desertion of his colleagues on a financial question. After another interlude of pamphleteering, he accepted the embassy to Rome under the Martignac administration, resigned it on Prince Polignac's accession to office, and, on the downfall of the elder branch of the Bourbons, made a last brilliant, but fruitless, protest from the tribune in defence of the principle of legitimacy. During the first half of Louis Philippe's reign he was still active with his pen, and was regarded as the most efficient champion of the exiled dynasty; but, as years increased upon him, he relapsed into an attitude of complete discouragement. His translation of Milton belongs to the writings of his later days. He expired on July 4, 1848, affectionately tended by his old friend, Mme. Recamier, herself deprived of sight.

GOVERNMENT INTERVENTION

I SHALL at once set aside the personal objections, for private feelings must have no place here. I have no reply to make to mutilated pieces, printed by means unknown to me in foreign gazettes. I commenced my ministerial career with the honorable member who spoke last, during the Hundred Days, when we each had a portfolio *ad interim*, he at Paris and I at Ghent. I was then writing a romance, he was employed on history; I still adhere to romance.

I am about to examine the series of objections presented at this tribune. These are numerous and diversified; but that I may not go astray in so vast a field, I shall arrange them under different heads.

Let us first examine the question of intervention. Has one government a right to intervene in the internal affairs of another government? This great question of public right has been resolved in opposite ways; those who have connected it with natural law, as Bacon, Puffendorf, Grotius, and all the ancients, are of opinion that it is permitted to take up arms, in the name of human society, against a people who violate the principles upon which general order

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is based, in the same manner as in private life we punish common disturbers of the peace. Those who look upon the question as a point of civil law maintain, on the contrary, that one government has no right to intervene in the affairs of another government. Thus, the former place the right of intervention in our duties, and the latter in our interests.

Gentlemen, I adopt the principle laid down by the civil law; I take the side of modern politicians, and I say with them, no government has a right to intervene in the internal affairs of another government. In fact, if this principle were not admitted, and especially by peoples who enjoy a free constitution, no nation could be free on its own soil; for the corruption of a minister, or the ambition of a king, would be sufficient to occasion an attack upon any state which should endeavor to improve its condition. To the various causes of war, already too numerous, you would thereby add a perpetual principle of hostility, a principle of which every man in possession of power would be the judge, because he would always have the right of saying to his neighbors: "Your institutions displease me; change them, or I shall declare war against you."

I hope my honorable opponents will acknowledge that I explain myself frankly. But in presenting myself in this tribune to maintain the justice of our intervention in the affairs of Spain, how am I to escape from the principle which I myself have enounced? You shall see, gentlemen.

When modern politicians had rejected the right of intervention, by quitting the natural, to place themselves within the civil law, they found themselves very much embarrassed. Cases occurred in which it was impossible to abstain from intervention without putting the state in danger. At the commencement of the Revolution it was said: "Let

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the colonies perish rather than a principle!" and the colonies accordingly perished. Was it right to say also: "Let social order perish rather than a principle?" That they might not be wrecked against the very rule they had established, they had recourse to an exception, by means of which they returned to the natural law, and said: "No government has a right to intervene in the internal affairs of a nation, unless in such a case as may compromise the immediate safety and essential interests of that government." I shall presently quote the authority from which I borrow these words.

The exception, gentlemen, does not appear to me more
9 questionable than the rule; no state can allow its essential interests to perish, under the penalty of perishing itself as a state. Having reached this point of the question, the whole face of it is changed—we find ourselves altogether upon different ground. I am no longer bound to contest the rule, but to prove that the case of exception has occurred for France.

Before I adduce the motives which justify your intervention in the affairs of Spain, I ought first, gentlemen, to support my statement on the authority of examples. I shall frequently have occasion in the course of my speech to speak of England, since my honorable opponents quote it every moment against us, in their extempore, as well as in their written and printed speeches. It was Great Britain alone who defended these principles at Verona, and it is she alone who now rises against the right of intervention; it is she who is ready to take up arms for the cause of a free people; it is she that reproves an impious war, hostile to the rights of man—a war which a little bigoted and servile faction wishes to undertake, to return on its conclusion to

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burn the French charter, after having rent to pieces the Spanish constitution. Is not that it, gentlemen? We shall return to all these points; but first let us speak of the intervention.

I fear that my honorable opponents have made a bad choice of their authority. England, say they, has set us a great example by protecting the independence of nations. Let England, safe amid her waves, and defended by ancient institutions—let England—which has not suffered either the disasters of two invasions or the disorders of a thirty years' revolution—think that she has nothing to fear from Spain, and feel averse to intervene in her affairs, nothing certainly can be more natural; but does it follow that France enjoys the same security, and is in the same position? When, under other circumstances, the essential interests of Great Britain have been compromised, did she not for her own safety, and very justly without doubt, derogate from the principles which are now invoked in her name?

England, on going to war with France, promulgated, in the month of November, 1793, the famous declaration of Whitehall. Permit me, gentlemen, to read a passage of it for you. The document commences by recalling the calamities of the Revolution, and then adds:

"The intentions set forth of reforming the abuses of the French government, of establishing upon a solid basis personal liberty and the rights of property, of securing to a numerous people a wise legislation, an administration, and just and moderate laws—all these salutary views have unhappily disappeared; they have given place to a system destructive of all public order, maintained by proscriptions, by banishment, by confiscations without number, by arbitrary imprisonment and by massacres, the memory of which is frightful. The inhabitants of this unhappy country, so

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long deceived by promises of happiness, always renewed at the epoch of every fresh crime, have been plunged into an abyss of calamities without example.

"This state of affairs cannot subsist in France, without implicating in one common danger all the neighboring powers, without giving them the right, without imposing upon them the duty of arresting the progress of an evil which only exists by the successive violation of all laws and every sense of propriety, and by the subversion of the fundamental principles which unite men, by the ties of social life. His Majesty certainly does not mean to dispute with France the right of reforming its laws; he would never wish to influence by external force the mode of government of an independent state: nor does he desire it now but in so far as this object has become essential to the peace and security of other powers. Under these circumstances he demands of France, and his demand is based upon a just title, the termination at length of a system of anarchy which is only powerful in doing wrong, incapable of fulfilling toward the French people the first duty of government, to repress the disturbances and to punish the crimes which daily multiply in the interior of the country; but, on the contrary, disposing in an arbitrary manner of their lives and property, to disturb the peace of other nations, and to make all Europe the theatre of similar crimes and like calamities. He demands of France the establishment of a stable and legitimate government, founded on the recognized principles of universal justice, and calculated to maintain with other nations the customary relations of union and of peace. The king, on his part, promises beforehand a suspension of hostilities; friendship in so far as he may be permitted by events which are not at the disposal of the human will; and safety and protection to all those who, declaring themselves for a monarchical government, shall withdraw themselves from the despotism of an anarchy which has broken all the most sacred ties of society, rent asunder all the relations of civil life, violated all rights, confounded all duties;

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availing itself of the name of liberty to exercise the most cruel tyranny, to annihilate all property, to seize upon all estates, founding its power on the pretended consent of the people, and ruining whole provinces with fire and sword, for having reclaimed their laws, their religion, and their legitimate sovereign!"

Well, gentlemen, what think you of this declaration? Did you not imagine that you were listening to the very speech pronounced by the king at the opening of the present session; but that speech developed, explained, and commented upon with equal force and eloquence? England says she acts in concert with her allies, and we should be thought criminal in also having allies! England promises assistance to French royalists, and it would be taken ill if we were to protect Spanish royalists! England maintains that she has the right of intervening to save herself and Europe from the evils that are desolating France, and we are to be interdicted from defending ourselves from the Spanish contagion! England rejects the pretended consent of the French people; she imposes upon France, as the price of peace, the condition of establishing a government founded on the principles of justice, and calculated to maintain the customary relations with other states, and we are to be compelled to recognize the pretended sovereignty of the people, the legality of a constitution established by a military revolt, and we are not to have the right of demanding from Spain, for our security, institutions legalized by the freedom of Ferdinand!

We must, however, be just: when England published this famous declaration, Marie Antoinette and Louis XVI. were no more. I acknowledge that Marie Josephine is, as yet, only a captive, and that nothing has yet been shed but

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her tears; Ferdinand, also, is at present only a prisoner in his palace, as Louis XVI. was in his, before he went to the Temple and thence to the scaffold. I do not wish to calumniate the Spaniards, but neither do I wish to estimate them more highly than my own countrymen. Revolutionary France produced a Convention, and why should not revolutionary Spain produce one also? Shall I be told that by accelerating the movement of intervention we shall make the position of the monarch more perilous? But did England save Louis XVI. by refusing to declare herself? Is not the intervention which prevents the evil more useful than that by which it is avenged? Spain had a diplomatic agent at Paris at the period of the celebrated catastrophe, and his prayers could obtain nothing. What was this family witness doing there? He was certainly not required to authenticate a death that was known to earth and heaven. Gentlemen, the trials of Charles I. and of Louis XVI. are already too much for the world, but another judicial murder would establish, on the authority of precedents, a sort of criminal right and a body of jurisprudence for the use of subjects against their kings.

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CLINTON

DE WITT CLINTON, an American statesman, was born at Little Britain, Orange County, New York, March 2, 1769. Educated at Columbia University and admitted to the bar in 1788, he at once entered upon public life as an anti-Federalist, and after serving in both houses of the state legislature became a United States senator in 1801. He was one of the most popular men in New York city and served as its mayor most of the time between 1803 and 1815. Clinton was opposed to the second war with England and was nominated for the presidency in 1812 by the party agreeing with him on this point, but was defeated. In 1815 he presented to the legislature a memorial upon the construction of the Erie canal, the bill for which was passed in 1817. This was the chief interest in his life and constitutes his title to remembrance. Clinton was governor of New York from 1817 to 1823 and was again chosen governor in 1825, signalizing his terms of office by constant efforts for general education and the advancement of science. When the Erie canal was formally opened in 1825 the governor was conveyed in a barge along its entire length amid the rejoicings of the thousands of people gathered on its banks. Clinton died at Albany, February 11, 1828. His published writings include "Memoir on the Antiquities of Western New York" (1818); "Letters on the Natural History and Internal Resources of New York" (1822); "Speeches to the Legislature" (1823).

PHI BETA KAPPA ADDRESS

DELIVERED AT SCHENECTADY, JULY 28, 1823

MR. PRESIDENT AND GENTLEMEN OF THE SOCIETY,—In accepting the honor of your renewed invitations to appear at this place, I have not been insensible of your kind preference; and when you were pleased to intimate that the deep interest of science in exhibitions of this nature might be promoted by my co-operation I considered it my imperative duty to yield a cheerful compliance.

When I endeavor to enforce those considerations which ought to operate upon us generally as men, and particularly

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as Americans, to attend to the cultivation of knowledge, you will not, I am persuaded, expect that I shall act the holiday orator or attempt an ambitious parade, an ostentatious display, or a gaudy exhibition, which would neither suit the character of the society, the disposition of the speaker, the solemnity of the place, or the importance of the occasion.

What I say shall come strictly within the purview of the institution, shall be comprised in the language of unvarnished truth, and shall be directed with an exclusive view to advance the interests of literature. I shall not step aside to embellish or to dazzle, to cull a flower or to collect a gem. Truth, like beauty, needs not the aid of ornament, and the cause of knowledge requires no factitious assistance, for it stands on its own merits, supporting and supported by the primary interests of society, and deriving its effulgent light from the radiations of heaven.

Man without cultivation differs but little from the animals which resemble him in form. His ideas would be few and glimmering, and his meaning would be conveyed by signs or by confused sounds. His food would be the acorn or locust, his habitation the cave, his pillow the rock, his bed the leaves of the forest, his clothes the skins of wild beasts.

Destitute of accommodations he would roam at large seeking for food and evincing in all his actions that the state of untutored nature is a state of war. If we cast our eyes over the pages of history, or view the existing state of the world, we will find that this description is not exaggerated or overcharged. Many nations are in a condition still more deplorable and debased, sunk to the level of brutes, and neither in the appearance of their bodies or in the character of their minds bearing a resemblance to civilized humanity. Others are somewhat more advanced, and begin to feel the

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dayspring from on high, while those that have been acclimated to virtue and naturalized to intelligence have passed through a severe course of experiments and a long ordeal of sufferings.

Almost all the calamities of man, except the physical evils which are inherent in his nature, are in a great measure to be imputed to erroneous views of religion or bad systems of government; and these cannot be co-existent for any considerable time with an extensive diffusion of knowledge. Either the predominance of intelligence will destroy the government, or the government will destroy it. Either it will extirpate superstition and enthusiasm, or they will contaminate its purity and prostrate its usefulness. Knowledge is the cause as well as the effect of good government.

No system of government can answer the benign purposes of the social combinations of man which is not predicated on liberty, and no creed of religion can sustain unsullied purity or support its high destination which is mingled with the corruptions of human government.

Christianity is, in its essence, its doctrines, and its forms, republican. It teaches our descent from a common parent; it inculcates the natural equality of mankind; and it points to our origin and our ends, to our nativity and our graves, and to our immortal destinies, as illustrations of this impressive truth. But at an early period it was pressed into the service of the potentates of the earth; the unnatural union of church and state was consummated; and the sceptre of Constantine was supported by the cross of Jesus. The light of knowledge was shut out from the general mass and confined to the selected organs of tyranny; and man was for ages enveloped in the thickest gloom of intellectual and moral darkness.

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At the present crisis in human affairs, we perceive a great and portentous contest between power and liberty — between the monarchical and the representative systems. The agonies and convulsions of resuscitating nature have agitated the nations, and before they are restored to their rights and the world to its repose, the hand of famine, the scythe of pestilence, and the sword of depopulation will fill up the measure of human calamity.

The present state of the world exhibits an extraordinary aspect. It former times it was the policy of the sovereign to encourage eminent merit in literature, science, and the arts. The glory that was radiated on intellectual excellence was reflected back on the government; but these dispensations of munificence were confined to the Aristotles, the Virgils, and the Plinies of the age. The body of the people were kept in a state of profound ignorance, and considered as the *profanum vulgus*, to be employed as hewers of wood and drawers of water, and to be used as beasts of burden or of prey as the policy or the caprice of the despot should prescribe.

The revolution effected by the invention of printing has created a corps of literary men in the cities, the universities, the academies, the lyceums, and the philosophical societies of the most arbitrary governments of Europe, which have exercised an influence over public opinion almost irresistible. Man is the creature of imitation and sympathy; and however callous the sovereign might be to public opinion, yet it predominated over his ministers, who in reality wielded the sceptre. The consequence was that a more extensive diffusion of knowledge was promoted, and the blessings of instruction visited the cottage as well as the palace. Monitorial schools and religious societies were generally estab-

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lished, and the sunshine of mental and moral illumination penetrated the darkness which covered the nations.

To know our rights is to assert them. The principles of the American Revolution became the text-book of liberty, and its practical commentaries are to be read in the events now occurring in various parts of the globe. Greece has unfurled the holy standard of liberty, and waves it in defiance over the crescent of Mahomet. Spanish America is breaking the chains of tyranny: Spain and Portugal have drawn the sword in vindication of the rights of man. Public opinion is operating with magic influence in Great Britain in favor of the oppressed nations; and the result will show that the physical strength of Europe must follow the train of its moral power.

It is in vain to say that the people now in commotion are unfit for free government. Conceding the fact, it avails nothing in the argument. The human character is principally molded by knowledge, religion, freedom, and government.

The free states of Greece exhibited different aspects of mind, of manners, and of morals. But we no longer remark, as a distinguishing characteristic, the ethereal spirit of the Athenian, the pastoral simplicity of the Arcadian, the stupidity of the Bœotian, or the laconic brevity of the Spartan. The sweeping hand of despotism has confounded in one mass all the delicate coloring, the lights and shades of the picture.

In revolutionary times great talents and great virtues, as well as great vices and great follies, spring into being. The energies of our nature are put into requisition, and during the whirlwind and the tempest innumerable evils will be perpetrated. But all the transient mischiefs of revolutions are mild when compared with the permanent calamities of arbitrary power. The one is a sweeping deluge, an awful tornado,

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which quickly passes away; but the other is a volcano continually ejecting rivers of lava — an earthquake burying whole countries in ruin. The alleged inaptitude of man for liberty is the effect of the oppressions which he has suffered; and until a free government can shed its propitious influence over time — until, perhaps, a new generation has risen up under the new order of things, with new habits and new principles, society will be in a state of agitation and mutation, faction will be lord of the ascendant, and frenzy and fury, denunciation and proscription, will be the order of the day.

The dilemma is inevitable. Either the happiness of the many or the predominance of the few must be sacrificed. The flame of liberty and the light of knowledge emanate from the same sacred fire and subsist on the same aliment: and the seeds of instruction, widely disseminated, will, like the serpent's teeth in the Pagan mythology, that were sown into the earth, rise up against oppression in the shape of the iron men of Cadmus. In such a cause who can hesitate to make an election?

The factions and convulsions of free governments are not so sanguinary in character, or terrific in effects, as the animosities and intestine wars of monarchies, about the succession — the insurrections of the military — the proscriptions of the priesthood, and the cruelties of the administration. The spirit of a republic is the friend, and the genius of a monarchy is the enemy, of peace. The potentates of the earth have, for centuries back, maintained large standing armies, and on the most frivolous pretexts have created havoc and desolation.

And when we compare the world as it is under arbitrary power with the world as it was under free republics, what an awful contrast does it exhibit! What a solemn lesson does it inculcate! The ministers of famine and pestilence, of death

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and destruction, have formed the van and brought up the rear of despotic authority. The monuments of the arts — the fabrics of genius and skill, and the sublime erections of piety and science, have been prostrated in the dust; and the places where Demosthenes and Cicero spoke, where Homer and Virgil sang, and where Plato and Aristotle taught, are now exhibited as mementos of the perishable nature of human glory.

The forum of Rome is converted into a market for cattle; the sacred fountain of Castalia is surrounded, not by the muses and the graces, but by the semi-barbarous girls of Albania; the laurel groves, and the deified heights of Parnassus, are the asylum of banditti; Babylon can only be traced by its bricks; the sands of the desert have overwhelmed the splendid city of Palmyra, and are daily encroaching on the fertile territories of the Nile; and the malaria has driven man from the fairest portions of Italy and pursued him to the very gates of the Eternal City.

Considerations like these announce to us in the most impressive manner the importance of our position in the civilized world and the necessity of maintaining it. The reciprocal action of knowledge and free government on each other, partake in some measure of the character of identity; for wherever liberty is firmly established knowledge must be a necessary concomitant. And if we desire to occupy this exalted ground — if we wish to improve, to extend, and to perpetuate the blessings of freedom, it is essential, absolutely essential, to improve, to extend, and to perpetuate the blessings of education. Let us not deceive ourselves by the delusions of overweening confidence and the chimeras of impregnable security, and fondly suppose that we are to rise superior to the calamities of other nations. Our climate is salubrious, and

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we are free from pestilence; our soil is fertile, and famine is a stranger; our character is pacific, and war is a rare occurrence; but if we only suppose a relaxation of the sinews of industry, and the presence of a tiger-like thirst for human blood, then the consequent neglect of productive industry and the vast accumulation of taxes would drain the resources of individuals and impoverish the public treasury; and plague and famine, poverty and depopulation, would follow in the train of pre-existing calamities. Nor is it to be concealed that dangers of the most formidable nature may assail us from other sources — some peculiar to our situation, and others that are common to all free states.

Faction and luxury, the love of money and the love of power, were the hydra-headed monsters that destroyed the ancient republics. At the time that the Roman commonwealth was overturned all ranks of men were so corrupted that tables were publicly set out, upon which the candidates for offices were professedly ready to pay the people the price of their votes; and they came not only to give their voices to the man who had bought them, but with all manner of weapons to fight for him.

Hence it often happened that they did not part without polluting the tribunal with blood and murder, and the city was a perpetual scene of anarchy. The justice of heaven pursued the perpetrators of these enormities, and Rome was scourged with a series of the most detestable tyrants that ever disgraced the character of humanity. Although corruption will not at first present itself under such hideous forms, yet its approaches will be insidious, undermining, and dangerous. It will appeal to cupidity and to ambition by magnificent promises and by donatives of office, if not by largesses of money.

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Good men are too often lethargic and inactive; bad men are generally bold and adventurous. And unless arrested by the vigilant intelligence and virtuous indignation of the community, faction will, in process of time, contaminate all the sources of public prosperity; a deleterious poison will be infused into the vital principles of the body politic; intrigue, ignorance, and impudence will be the passports to public honors; and the question will be, not whether the man is fit for the office, but whether the office is fit for the man.

In this crisis of the republic its degenerate and unprincipled sons will unite in a common crusade against the public good, and will encircle the land with a cordon of corrupt and daring spirits, like the peccant humors of the body, which, in a dangerous disease, collect in the morbid part of the system.

There are also peculiar circumstances in our situation which ought to silence high-toned arrogance and admonish us of the dangers which surround us. The experiment of a great empire founded on the federative principle has not been fully tested by the efflux of time and the pressure of events. The ancient democracies, where the people legislated in person, were ruined by the smallness of their area. The impulses of faction were sudden, unchecked, and overwhelming.

An extensive republic like ours may be destroyed by a conspiracy of the members against the head, or the power of government may be spent as it extends, like a circle in the water, which is lost by its own expansion. And an apprehension of this occurrence may induce the establishment of standing armies in the extremities of the empire, which, as in the days of ancient Rome, will rush to the capital to divide the spoils of power and wealth. Nor is it to be concealed that a spirit is active in the community which tends to the destruction of the Union and the consequent subversion of

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the best hopes of man. It may be considered as giving too much in to refinement, to intimate that the sectional prejudices which prevail in certain parts of the Union may be derived from hereditary antipathies and feelings; and that as the eastern States were chiefly settled by the Puritans or Roundheads of England, and the principal southern States by the Cavaliers or Royalists, a diversity of manners was entailed on their progeny which has tended to increase and exasperate the ancient animosities that were at the same time transmitted.

I shall not, although I should be fortified by the great names of Aristotle, Bacon, Berkeley, Buffon, and Montesquieu, rely on the operation of physical causes, although perhaps they are not without their influence. It was the opinion of the Stagyrite that the climate of Greece was the best possible one for the production of great men. The Greeks, said he, hold a middle place, in physical and moral qualities, as well as topographical situation, between the northern Europeans and the southern Asiatics, possessing the courage of the former without their torpor of intellect, and the ingenuity of the latter without their abject disposition.

Lord Bacon has observed that the inhabitants of the South are in general more ingenious than those of the North; but that where the native of a cold climate has genius he rises to a higher pitch than can be realized by the southern wits. And Bishop Berkeley has illustrated this opinion by comparing the southern wits to cucumbers, which are commonly all good in their kind, but at best are an insipid fruit, while the northern geniuses are like melons, of which not one in fifty is good, but when it is so, it has an exquisite relish. However pertinent this doctrine may be, where it was intended to apply, it can have but little weight in reference to us.

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The difference of latitude and temperature is not so great as to produce the predicated results; and so far as facts can be ascertained they will not bear out the ascription.

It is probable that the causes so much to be deprecated come under the denomination of moral, and are to be found in slavery; for wherever it prevails it generates an anti-commercial and anti-manufacturing spirit; and at the same time, it produces a lofty sense of independence which is among the strongest preservatives of our republican governments. In the other States, where commerce and manufactures are cultivated as well as agriculture, there is no real collision of interest with the States purely agricultural.

There is, on the contrary, an identity; and although the prosperity of each is the prosperity of all, yet jealousies will spring out of legislative encouragement and protection of these great interests. To encourage the fabrics of art is to encourage the fabrics of nature; to protect manufactures is to advance the growth of the raw materials of which they are made; to countenance commerce is to countenance cheapness of transportation and goodness of market; and to promote the wealth of any member or section of the Union is to enhance its ability to use the fabrics and to consume the productions of the other. The growing expansion of liberal feelings, and the illuminating progress of political philosophy, have had a salutary tendency in checking prejudices and antipathies which have too much prevailed. But, little to our honor, I speak it with regret, they have been recently excited by a contest of equestrian swiftness.

In the Olympic games, where enlightened Greece assembled, where Homer recited his poem and Thucydides his history, the laureled crown, the "*palma nobilis*," was awarded to the man, not to the beast; but the late display reminds us

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of the degenerate days of Rome, when a horse was raised to the honors of the consulship; and of the Prasini and the Veneti, the green and blue factions, which arose from those colors of livery in horse-races, and which accelerated, if not occasioned, the ruin of the Greek empire.

The necessity of counteracting the tendency of all human institutions to debasement, of guarding with efficacious circumspection against the advances of anarchy and tyranny, and of preventing the evils to which we are peculiarly exposed from expanded territory and geographical prejudices, must be obvious; and for this purpose it is essential to attend with increased zeal to the great interests of education, and to promote with unrelaxed fervor the sacred cause of science. Education includes moral as well as intellectual culture, the georgics of the heart as well as of the head; and we must emphatically look up to a general diffusion of knowledge as the palladium of a free government, the guarantee of the representative system, and the ægis of our federative existence.

Is it necessary, on this occasion, to show the important connection between science and all the arts which contribute to the sustenance, the accommodation, and the embellishment of human life? The analytic researches of chemistry have opened to us a knowledge of the constituent parts of soils, minerals, vegetables, and other substances, and have developed their useful application. From the first conception of the propulsion of vessels by steam by the Marquis of Worcester, to its consummation by Fulton, how slow was the progress—how difficult the accomplishment! And this could never have been effected had it not received the aids of chemical discovery, of mathematical calculation, and of mechanical philosophy. All that relates to the economy of labor by

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machinery—to the facilitation of intercourse by canals and bridges—to naval, civil, and military architecture—to the improvement of agriculture—to the advancement of the mechanic arts—must be derived, directly or indirectly, from scientific reseach.

It is an ordinance of heaven that man must be employed or be unhappy. Mental or corporeal labor is the destination of his nature; and when he ceases to be active he ceases to be useful and descends to the level of vegetable life. And certainly those pursuits which call into activity his intellectual powers must contribute most to his felicity, his dignity, and his usefulness. The vigorous direction of an active mind to the accomplishment of good objects forms its most ecstatic delights. "Hæc studia adolescentiam alunt, senectutem oblectant, secundas res ornant, adversis perfugium ac solatium præbent, delectant domi, non impediunt foris, pernoctant nobiscum, peregrinantur, rusticantur." [1]

The honor and glory of a nation consist in the illustrious achievements of its sons in the cabinet and the field, in the science and learning which compose the knowledge of man, in the arts and inventions which administer to his accommodation, and in the virtues which exalt his character. Scarcely two centuries have elapsed since the settlement of these United States, and in that period we have seen a Washington, a Henry, a Franklin, a Rittenhouse, and a Fulton — the most splendid names in war, in eloquence, in philosophy, in astronomy, and in mechanics, which the world has ever witnessed.

The congress of patriots who proclaimed our independence

[1] These studies nourish youth, delight old age, adorn prosperity, furnish a refuge and solace in adversity, are a pleasure at home, and no drawback abroad; they pass the nights with us, travel with us, live in the country with us.

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in the face of an admiring world and in the view of approving heaven have descended, with three exceptions, to the grave; and in this illustrious band were comprised more virtue and wisdom, and patriotism and energy, than in any association of ancient or modern times. I might proceed, and pronounce a eulogium on our savants who have illustrated philosophy and the exact sciences — on our literati, who have explored the depths and ascended the heights of knowledge — on our poets, who have strung the lyre of Apollo — on our painters, who have combined the sublime and the beautiful in the graphic art — on our statesmen, who have taught the ways and means of establishing the greatest happiness of the greatest number; and on our theologians, who have vindicated the ways of God to man. But I forbear. . . .

Let us then be vigilant and active in the great and holy cause of knowledge. The field of glory stretches before you in wide expanse. Untrodden heights and unknown lands surround you. Waste not, however, your energies on subjects of a frivolous nature, of useless curiosity, or impracticable attainment. Books have been multiplied to designate the writer of Junius — the Man in the Iron Mask has exercised the inquisitorial attention of Europe — and perpetual motion, the philosopher's stone, and the immortal elixir, have destroyed the lives and fortunes of thousands.

Genuine philosophy has sometimes its aberrations, and, like the Spartan king or Roman emperor, mingles in the amusements of children. The sceptre of science is too often surrounded by toys and baubles, and even Linnæus condescended to amuse his fancy with the creation of vegetable dials and oriental pearls. Innovation without improvement, and experiments without discoveries, are the rocks on which ingenuity is too often shipwrecked.

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"*Omne ignotum pro magnifico*,"[1] said the profound historian of Rome.[2] Wonder is the child of ignorance, and vanity the offspring of imbecility. Let us be astonished at nothing but our own apathy, and cease to be vain even of our virtues. The fragrance of the humble lily of the valley, and of the retiring eglantine of the woods, is more grateful to genuine taste than the expressed odor of the queen of flowers, or the most costly products of the chemical alembic.

In our literary pursuits let us equally reject a blind credulity that believes every fable, and a universal pyrrhonism that repudiates all truths — a canine appetite, which devours everything, however light, and digests nothing, however alimentary — and a fastidious taste, which delights not in the nutritious viand, but seeks its gratification in the aromatic desert.

The waters of ancient learning ought to be drunk at the fountain head in preference to the streams. We are too prone to rely on references, quotations, abridgments and translations. The consequence is, that the meaning of the original frequently reaches us in a perverted or erroneous shape; its ethereal spirit evaporates by a change of conveyance, and we lose our acquaintance with the learned languages.

A fault equally common and more humiliating is an idolatrous veneration for the literary men of Europe. This intellectual vassalage has been visited by high-toned arrogance and malignant vituperation. Harmless indeed is the calumny, and it recoils from the object like the javelin thrown by the feeble hand of old Priam; but it ought to combine with other inducements to encourage a vernacular literature

[1] "Everything unknown is exaggerated." [2] Tacitus.

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and to cause us to bestow our patronage upon more meritorious works of our own country.

We have writers of genius and erudition who form a respectable profession. Some have ascended the empyreal heights of poesy and have gathered the laurel wreaths of genius; others have trodden the enchanted ground of fictitious narrative and have been honored by the tears of beauty and the smiles of virtue. While several have unfolded the principles of science, literature, philosophy, jurisprudence, and theology, and have exalted the intellectual glory of America, let us cherish the hope that some at least will devote their faculties to improve those arts and sciences on which the substantial interests of our country so greatly depend.

I refer particularly to agriculture, civil engineering, and naval architecture. Let us also trust that some vigorous minds will apply their powers to the illustration of our history. It has been said, with more point than truth, that the annals of modern colonies afford but two memorable events — the foundation, and the separation from the parent country.

If this observation had been so qualified as to refer to those occurrences as the most memorable, not as the only memorable events, it would undoubtedly have been correct. The colonial history of New York, although imperfectly executed and brought down only to 1732, is fertile of instruction and replete with interest. The translations of the erudite Vanderkemp, and the collections of the Historical Society of New York, have furnished the most ample materials; and whenever it is given to the world by a master-hand it will be a complete refutation of the remark which I have quoted. Is it too much to say that we have no good history of the United States, and that the best account of our independence is written by Botta, an Italian?

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At this moment a respectable mechanic of the city of London is collecting materials for writing our history. He is favorably noticed by distinguished members of Parliament; and although his mind has not been disciplined by a liberal education, yet its productions display vigorous and cultivated powers. Let this stimulate us to similar and animated exertions, and let not our writers despair of ultimate success, even if their efforts are attended with partial failures.

Experience certainly brightens the vista of futurity; but they must expect that their fate will be determined sooner or later by intrinsic merit. Those writings that emit no effulgence and communicate no information will fall still-born from the press and plunge at once into the abyss of obscurity. Others again will dazzle as they glide rapidly over the literary horizon and be seen no more. Some, after basking in the meridian sunshine, will gradually undergo a temporary eclipse; but time will dispense justice and restore their original splendor.

> "So sinks the day-star in the ocean's bed,
> And yet anon repairs his drooping head,
> And tricks his beams, and with new-spangled ore,
> Flames in the forehead of the morning sky." [1]

A fortunate few are always in the full blaze of sublime glory. They are the phœnixes of the age, the elect of genius, and the favorites of nature and of heaven.

There is nothing "under heaven's wide hollowness" [2] which does not furnish aliment for the mind. All that we observe by the organs of sense, and all that we perceive by the operations of the understanding — all that we contemplate in retrospect, at the present, or in the future, may be compounded or decomposed in the intellectual laboratory, for beneficial purposes.

[1] Milton. [2] Spenser.

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The active mind is always vigilant, always observing. The original images which are created by a vivid imagination, the useful ideas which are called up by memory, and the vigorous advances of the reasoning power into the regions of disquisition and investigation, furnish full employment for the most powerful mind; and after it is fully stored with all the productions of knowledge, then the intellect has to employ its most important functions in digesting and arranging the vast and splendid materials. And if there be anything in this world which can administer pure delight, it is when we summon our intellectual resources, rally our mental powers, and proceed to the investigation of a subject distinguished for its importance and complexity, and its influence on the destinies of man.

If science were to assume a visible form, like the fabled muses of the ancient mythology, all men would be ready to exclaim with the poet —

> —"her angel's face,
> As the great eye of heaven shined bright,
> And made a sunshine in a shady place;
> Did never mortal eye behold such heavenly grace."

But, alas! it is a blessing not without its alloy Its sedentary occupations and its severe exercises of the mind impair the health, and hypochondria, the Promethean vulture of the student, poisons for a time all the sources of enjoyment. Add to this the tortures of hope deferred and of expectation disappointed. After nights without sleep, and days without repose, in the pursuit of a favorite investigation; after tasking the mind and stretching all its faculties to the utmost extent of exertion,—when the golden vision of approaching fame dazzles the eye in the distance, and the hand is extended to taste the fruit and to reap the harvest, the airy castles,

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the gorgeous palaces of the imagination, vanish like enchanted ground and disappear like the baseless fabric of a vision.

From such perversities of fortune the sunshine of comfort may, however, be extracted. In the failure of a scientific investigation collateral discoveries of great moment have been made. And as an eminent philosopher [1] has well remarked, "What succeeds, pleaseth more, but what succeeds not, many times informs no less." And in the worst position the mind is improved, sharpened, expanded, brightened, and strengthened by the processes which it has undergone and the elaborations which it has experienced.

> "We must not then expect
> A perpetual feast of nectar'd sweets
> Where no crude surfeit reigns."

But we may confidently pronounce that a cornucopia of blessings will attend the diffusion of knowledge — that it will have an electrifying effect on all the sources of individual happiness and public prosperity — that glory will follow in the train of its felicitous cultivation, and that the public esteem, in perennial dispensation, will crown its votaries.

This State enjoys a temperate climate and fruitful soil, and, situate between the Great Lakes on the north and west, and the ocean on the south and east, ought always to be the seat of plenty and salubrity. It requires nothing but the enlightened evolution of its faculties and resources to realize the beau-ideal of perfection: and the co-operation of man with the bounty of Providence will render it a terrestrial paradise. And this must be effected through the agency of intellectual operating on physical exertion.

In this grand career of mind, in this potent effort of science, in this illustrious display of patriotism, contributions will flow

[1] Bacon. [2] Milton.

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in from all quarters. The humble mite will be acceptable as well as the golden talent. And the discriminating, perspicacious, and comprehensive eye of intellect will find—

> "Tongues in trees; books in the running brooks;
> Sermons in stones; and good in everything." [1]

Indeed, the very ground on which we stand affords topics for important consideration and useful application. This city was among the earliest seats of European settlement. It was at the head of a great portage, reaching from the termination of the navigable waters of the west to the head waters of the Hudson. It was the great entrepôt of the valuable trade in furs and peltries, and the thoroughfare of commercial adventures, of scientific explorations, and of military expeditions. In 1690 it was destroyed by an irruption of French and Indians — the lives of many of its inhabitants were saved as it were by a special interposition of Providence.

And the sympathizing and pathetic speech of the faithful Mohawks on that melancholy occasion may be ranked among the most splendid effusions of oratory.[2] The alluvial lands of the river, rich as the soil formed by the overflowings of the Nile, were the principal residence of that ferocious and martial race, the true old heads of the Iroquois — a confederacy which carried terror, havoc, and desolation from the Gulf of St. Lawrence to the Gulf of Mexico, and which aspired to universal empire over the savage nations. How astonished would that people be if they could be summoned to life, to witness the flowing of the waters of the west through this place, seeking in a navigable shape a new route to the Atlantic Ocean, carrying on their bosom the congregated products of nature and art, and spreading as they proceed, wealth and prosperity.

All alluvial ground formed by streams emanating from a

[1] Shakespeare. [2] Colden's "History of the Five Nations."

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distance and reinforced in their transit by auxiliary waters must be fertile not only in soil, but abundant in the various productions of the vegetable kingdom. The germs of plants will be transported from remote quarters; and the gorges and ravines, formed in many places by intersecting streams, will not only protect particular spots from the ravages of the plow, but open the treasures of the mineral kingdom by the profound excavations of the water and the transportation of distant fossils. Here, then, is a proper region for interesting discovery. Strange trees now flourish on the banks of the river, many a flower is born to blush unseen, and many a curious production has never undergone scientific scrutiny.

Here has been established a great seminary of education which in less than thirty years has risen to an extraordinary altitude of excellence; which unites the ardor of youthful enthusiasm with the wisdom of experienced longevity and the celebrity of confirmed usefulness; and which, by an able diffusion of the light of knowledge and a dexterous management of the helm of government, has already produced scholars who adorn and illumine the walks of science and literature, the pursuits of professional life, and the councils of our country.

In this vicinity flourished Sir William Johnson, one of the extraordinary characters of our colonial history. He settled near the banks of the Mohawk, and from humble beginnings he acquired great celebrity,—particularly in war,—immense wealth, and the favor of his sovereign. Auspicious events in concurrence with a paramount influence over the Indians, and great energy of character, laid the foundation and erected the superstructure of his fortunes.

In this place lived and died that eminent servant of God, the Rev. Dr. Romeyn, the fragrance of whose virtues is still

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cherished in your hearts and felt in your lives. His venerable form, his dignified deportment, his eye beaming goodness, and his voice uttering wisdom, are still fresh in your minds; so impressive is the power of combined virtue and intelligence. Dr. Dwight, the greatest theologian of the age, has pronounced his eulogium; and it remains for biography to perform its functions and to fill up the outlines so ably drawn by one of the most acute observers and profound thinkers which our country has produced.

Finally, whatever may be our thoughts, our words, our writings, or our actions, let them all be subservient to the promotion of science and the prosperity of our country. Pleasure is a shadow, wealth is vanity, and power a pageant; but knowledge is ecstatic in enjoyment, perennial in fame, unlimited in space, and infinite in duration. In the performance of its sacred offices it fears no danger, spares no expense, omits no exertion. It scales the mountain, looks into the volcano, dives into the ocean, perforates the earth, wings its flight into the skies, encircles the globe, explores sea and land, contemplates the distant, examines the minute, comprehends the great, and ascends to the sublime. No place too remote for its grasp; no heavens too exhalted for its reach. "Its seat is the bosom of God; its voice the harmony of the world. All things in heaven and earth do it homage, the very least as feeling its care, and the greatest as not exempt from its power. Both angels and men and creatures, of what condition soever, though each in different sort and manner, yet all, with uniform consent, admiring it as the parent of peace and happiness."[1]

[1] Hooker.

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WELLINGTON

ARTHUR WELLESLEY, DUKE OF WELLINGTON, one of England's greatest generals, was the fourth son of Garrett, first Earl of Mornington. He was born May 1, 1769, at Dangan Castle, Ireland, four months before his great antagonist, Napoleon.

He was educated at Eton and at the military college at Angers, France. colonel. In 1796 he went to India in command of his regiment and remained there for nine years, during which time he distinguished himself He entered the army as ensign in 1789, and in 1793 became lieutenant- by his military ability and won several brilliant victories. His defeat of the Mahrattas in 1803, after one of the most extraordinary campaigns on record, won him the honor of K.C.B. and the thanks of the King and Parliament. In 1805 he returned to England and in the following year obtained a seat in the House of Commons. He was made chief secretary for Ireland in 1807 and would have continued in his political career, for which he felt himself fitted, .. he had not been again ordered into the field to fight against the French, who had invaded Spain and Portugal.

From that time until his final defeat of Napoleon at Waterloo in 1815 his career was distinguished by many notable victories, and his brilliant conduct and military prowess brought him many honors. He was created Duke of Wellington on May 1, 1814.

The close of this campaign brought peace to Europe and a total change in the life of Wellington. He commanded the army of occupation in France for some years, then returned to England, and in 1818 became master-general of the ordnance, a post which he continued to hold until 1827. He was frequently employed as the representative of England abroad and was sent on important diplomatic missions to Vienna, St. Petersburg, and Madrid. In 1828 Wellington became prime minister, but his views on Catholic emancipation and his opposition to parliamentary reform made him so unpopular that in 1830 he resigned his office.

His later political life was chiefly limited to the holding of a few minor offices, and in 1848 he again took up the command of the army, which position he held until his death, on September 14, 1852.

Wellington was a conservative of the old school and was noted for his manliness and public spirit. He was a true soldier, gifted with a remarkable clearness of judgment and unswerving in his purposes, and he won his renown without the sacrifice of a single virtue.

SPEECH ON CATHOLIC EMANCIPATION

DELIVERED IN THE HOUSE OF LORDS, APRIL 2, 1829

MY LORDS,— It is now my duty to move that your lordships read this bill a second time, and to explain to your lordships the grounds on which I recommend this measure to your consideration. I may be under the

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necessity of requesting a larger portion of your time and attention, upon this occasion, than I have hitherto been in the habit of occupying; but I assure you, my lords, that it is not my intention to take up an instant of your time with respect to myself, or my own conduct in this transaction, any farther than to express my regret that I should differ in opinion on this subject from so many of those for whom I entertain the highest respect and regard.

However, my lords, I must say that I have considered the part which I have taken upon this subject as the performance of a public duty absolutely incumbent upon me; and that no private regard, no respect for the opinion of any noble lord, would have induced me to depart from the course which I have considered it my duty to adopt.

I must say likewise this, that, comparing my own opinion with that of others upon this subject, I have, during the period I have been in office, had opportunities of forming a judgment upon this subject which others have not had; and they will admit that I should not have given the opinion I have given if I was not intimately and firmly persuaded that that opinion was a just one.

My lords, the point which I shall first bring under your lordships' consideration is the state of Ireland. I know that by some it has been considered that the state of Ireland has nothing to do with this question — that it is a subject which ought to be left entirely out of our consideration. My lords, they tell us that Ireland has been disturbed for the last thirty years — that to such disturbance we have been accustomed, and that it does not at all alter the circumstances of the case as they have hitherto appeared.

My lords, it is perfectly true that Ireland has been disturbed during the long period I have stated; but within the last year

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or two there have been circumstances of particular aggravation. Political circumstances have in a considerable degree occasioned that aggravation; but besides this, my lords, I must say, although I have no positive legal proof of that fact, that I have every reason to believe that there has been a considerable organization of the people for the purposes of mischief.

My lords, this organization is, it appears to me, to be proved not only by the declarations of those who formed and who arranged it, but likewise by the effects which it has produced in the election of churchwardens throughout the country; in the circumstances attending the election for the county of Clare; in the circumstances that preceded and followed that election; in the proceedings of a gentleman who went at the head of a body of men to the north of Ireland; in the simultaneous proceeding of various bodies of men in the south of Ireland, in Thurles, Templemore, Killenaule, Cahir, Clonmel, and other places; in the proceedings of another gentleman in King's County; and in the recall of the former gentleman from the north of Ireland by the Roman Catholic Association.

In all these circumstances it is quite obvious to me that there was an organization and direction of some superior authority. This organization has certainly produced a state of society in Ireland which we have not heretofore witnessed, and an aggravation of all the evils which before afflicted that unfortunate country.

My lords, late in the year a considerable town was attacked in the middle of the night by a body of people who came from the neighboring mountains, the town of Augher. They attacked it with arms, and were driven from it with arms by the inhabitants of the town. This is a state of things which I feel your lordships will admit ought not to exist in a civilized country.

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Later in the year still, a similar event occurred in Charleville; and in the course of last autumn the Roman Catholic Association deliberated upon the propriety of adopting, and the means of adopting, the measure of ceasing all dealings between Roman Catholics and Protestants.

Is it possible to believe that supposing these dealings had ceased, that supposing this measure had been carried into execution, as I firmly believe it was in the power of those who deliberated upon it to carry it into execution; is it possible to believe that those who could cease these dealings would not likewise have ceased to carry into execution the contracts into which they had entered? Will any man say that people in this situation are not verging toward that state in which it would be impossible to expect from them that they would be able to perform the duties of jurymen or to administer justice between man and man for the protection of the lives and properties of his Majesty's subjects? My lords, this is the state of society to which I wish to draw your attention, and for which it is necessary that Parliament should provide a remedy. But before I proceed to consider what those remedies ought to be, I wish just to show you what the effect of this state of society has been upon the King's prerogative.

My lords, his Majesty could not create a peer, and the reason he could not create a peer was this: His Majesty's servants could not venture to recommend to him to incur the risks of an election, and those which might have attended any accident at the election, which might have occasioned the shedding of blood. Such a disaster must have been productive of an immediate civil war in the country; and not only was that the case, my lords, but I confess that I had the strongest objection to give another triumph to the Roman Catholic Association.

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Then we are asked, "Why do you not carry the law into execution?"

My lords, I have upon former occasions stated to your lordships how the law stood in respect to the Association; and your lordships will observe that in all I have stated hitherto there was no resistance to the law. The magistrates were not called upon to act. There was no resistance to the King's troops; indeed, except in the case of the procession to the north of Ireland, they were never called into duty. There was no instance, therefore, in which the law could be carried into execution.

When we hear, therefore, noble lords reproaching the government for not carrying into execution the law in Ireland, as it was carried into execution in England, the observation shows that they do not understand the state of things in Ireland. The truth of the matter is, that in England, when the law was carried into execution in the year 1819, a large body of persons assembled for an illegal purpose; they resisted the order of the magistrates to disperse, and, having resisted that order, the magistrates directed the troops to disperse them. But in the case of Ireland there were no circumstances of the same kind: no order was given to disperse because no magistrates were present; and if they had been present there were no troops to disperse them.

The truth is, the state of society was such as rendered these events probable at every hour; and it was impossible the magistrates could be at every spot, and at all times, to put an end to these outrages, which really are a disgrace to the country in which they take place. My lords, neither the law, nor the means in the possession of government enabled government to put an end to these things. It was necessary, therefore, to come to Parliament. Now, let us see what chance there

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was of providing a remedy for this state of things by coming to Parliament.

My lords, we all know perfectly well that the opinion of the majority in another place is that the remedy for this state of things in Ireland is a repeal of the disabilities affecting his Majesty's Roman Catholic subjects. We might have gone and asked Parliament to put down the Roman Catholic Association; but what chance had we of prevailing upon Parliament to pass such a bill without being prepared to come forward and state that we were ready to consider the whole condition of Ireland with a view to apply a remedy to that which Parliament had stated to be the cause of the disease?

Suppose that Parliament had given us a bill to put down the Roman Catholic Association, would such a law as that which passed lately be a remedy for the state of things I have already described to your lordships as existing in Ireland? Would it do any one thing toward putting an end to the organization which, I have stated to your lordships, exists — toward putting an end to the mischiefs which are the consequence of that organization — toward giving you the means of getting the better of the state of things existing in Ireland, without some further measure to be adopted? But, my lords, it is said, "If that will not do, let us proceed to blows!" What is meant by "proceeding to blows" is civil war!

Now I believe that every government must be prepared to carry into execution the laws of the country by the force placed at its disposal; not by the military force unless it should be absolutely necessary, but by the military force in case that should be necessary; and, above all things, to endeavor to overcome resistance to the law, in case the disaffected or the ill-disposed are inclined to resist the authority or sentence of the law. But in this case, as I have already stated to your

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lordships, there was no resistance of the law: nay, I will go further, and will say that I am positively certain that this state of things, existing in Ireland for the last year and a half, bordering upon civil war (being attended by nearly all the evils of civil war), might have continued a considerable time longer, to the great injury and disgrace of the country; and nevertheless those who managed this state of things, those who were at its head, would have taken care to prevent any resistance to the law, which must have ended, they knew as well as I do, in the only way in which a struggle against the King's government could end.

They knew perfectly well they would have been the first victims of that resistance; but knowing that, and knowing as I do that they are sensible, able men and perfectly aware of the materials upon which they have to work, I have not the smallest doubt that the state of things which I have stated to your lordships would have continued, and that you would never have had an opportunity of putting it down in the manner some noble lords imagine.

But, my lords, even if I had been certain of such means of putting it down, I should have considered it my duty to avoid those means. I am one of those who have probably passed a longer period of my life engaged in war than most men, and principally in civil war; and I must say this, that if I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I was attached, I would sacrifice my life in order to do it.

I say that there is nothing which destroys property, cuts up prosperity by the roots, and demoralizes character, to the degree that civil war does. In such a crisis the hand of every man is raised against his neighbor, against his brother, and against his father; servant betrays master, and the whole

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scene ends in confusion and devastation. Yet, my lords, this is the resource to which we must have looked; these are the means which we must have applied, in order to have put an end to this state of things, if we had not made the option of bringing forward the measures for which I say I am responsible.

But let us look a little farther. If civil war is so bad when it is occasioned by resistance to the government — if it is so bad in the case I have stated, and so much to be avoided, how much more is it to be avoided when we are to arm the people in order that we may conquer one part of them by exciting the other part against them?

My lords, I am sure there is not a man who hears me whose blood would not shudder at such a proposition if it were made to him; and yet that is the resource to which we should be pushed at last by continuing the course we have been adopting for the last few years. I entreat your lordships not to look at it in this point of view only, but let us revert a little to what passed on a former similar occasion.

My lords, I am old enough to remember the rebellion in 1798. I was not employed in Ireland at the time. I was employed in another part of his Majesty's dominions; but, my lords, if I am not mistaken, the Parliament of Ireland at that time walked up to my Lord Lieutenant with a unanimous address, beseeching his Excellency to take every means to put down that unnatural rebellion, and promising their full support in order to carry those measures into execution. The Lord Lieutenant did take measures, and did succeed in putting down that rebellion. Well, my lords, what happened in the very next session? The government proposed to put an end to the Parliament, and to form a legislative union between the two kingdoms, for the purpose, principally, of pro-

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posing this very measure; and, in point of fact, the very first measure that was proposed after this legislative union, after those successful endeavors to put down this rebellion, was the very measure with which I am now about to trouble your lordships.

Is it possible noble lords can believe that, supposing there was such a contest as that which I have anticipated — is it possible noble lords can believe that such a contest could be carried on without the consent of the other House of Parliament?

I am certain, my lords, that when you look at the division of opinion which prevails in both Houses of Parliament; when you look at the division of opinion which prevails in every family of this kingdom and of Ireland — in every family, I say, from the most eminent in station down to the lowest in this country; when you look at the division of opinion that prevails among the Protestants of Ireland on this subject, I am convinced you will see that there would be a vast difference in a contest carried on now and that which was carried on on former occasions.

My lords, I beg you will recollect that upon a recent occasion there was a Protestant declaration of the sentiments of Ireland. As I said before, the Parliament of Ireland, in the year 1798, with the exception of one or two gentlemen, were unanimous; and on a recent occasion there were seven marquises, twenty-seven earls, a vast number of peers of other ranks, and not less than two thousand Protestant gentlemen of property in the country, who signed the declaration, stating the absolute necessity of making these concessions.

Under these circumstances it is that this contest would have been carried on — circumstances totally different from those which existed at the period I before alluded to. But is it

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possible to believe that Parliament would allow such a contest to go on? Is it possible to believe that Parliament, having this state of things before it — that this House, seeing what the opinion of the other House of Parliament is — seeing what the opinion of the large number of Protestants in Ireland is — seeing what the opinion of nearly every statesman for the last forty years has been on this question, would continue to oppose itself to measures brought forward for its settlement?

It appears to me absolutely impossible that we could have gone on longer without increasing difficulties being brought on the country. But it is very desirable that we should look a little to what benefit is to be derived to any one class in the state of continuing the disabilities, and adopting those coercive measures which will have all the evils I have stated.

We are told that the benefit will be to preserve the principles of the Constitution of 1688, that the Acts of 1688 permanently excluded Roman Catholics from Parliament, and that, they being permanently excluded from Parliament, it is necessary to incur all the existing evils in order to maintain that permanent exclusion. Now I wish very much that noble lords would take upon themselves the trouble I have taken to see how the matter stands as to the permanent exclusion of Roman Catholics from Parliament.

My lords, in the Bill of Rights there are some things permanently enacted which I sincerely hope will be permanent: these are, the liberties of the people, the security for the Protestantism of the person on the throne of these kingdoms, and that he shall not be married to a Papist. Then there is an oath of allegiance and supremacy to be taken by all those of whom that oath of allegiance is required, which is also

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said to be permanent; but it contains no declaration against transubstantiation.

There is also an oath of allegiance different from that which is to be taken by a member of Parliament. I beg your lordships will observe that, although this oath of allegiance was declared permanent, it was altered in the last year of King William. This shows what that permanent Act was. Then with respect to the oaths to be taken by members of Parliament, I beg your lordships to observe that these oaths, the declaration against transubstantiation and the sacrifice of the mass, are not originally in the Act of William III; they are in the Act of 30th Charles II. During the reign of Charles II there were certain oaths imposed, first on dissenters from the Church of England, by the 12th and 13th Charles II, and to exclude Roman Catholics, by the 25th Charles II and 30th Charles II.

At the period of the Revolution, when King William came, he thought proper to extend the basis of his government, and he repealed the oaths affecting the dissenters from the Church of England, imposed by the 13th and 14th Charles II, and likewise the affirmative part of the oath of supremacy, which dissenters from the Church of England could not take. That is the history of the alteration of these oaths by William III from the time of Charles II.

But, my lords, the remainder of the oath could be taken by dissenters, but could not be taken by Roman Catholics. The danger with respect to Roman Catholics had originated in the time of Charles II, and still existed in the time of William III; but the oath was altered because one of the great principles of the Revolution was to limit the exclusion from the benefits of the constitution so far as it was possible. Therefore we have this as one of the principles of the Rev-

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olution, as well as the principles I before stated derived from the Bill of Rights.

The noble lords state that what they call the principles of 1688 — that is to say, these oaths excluding Roman Catholics — are equally permanent with the Bill of Rights, by which the Protestantism of the Crown is secured. If they will do me the favor to look at the words of the Act they will see that the difference is just the difference between that which is permanent and that which is not permanent. The Act says that the Protestantism of the Crown shall last forever — that these liberties are secured forever; but as for these oaths, they are enacted in exclusive words, and there is not one word about how long they shall last.

Well then, my lords, what follows?

The next Act we have is the Act of Union with Scotland; and what does that Act say? That the oaths to be taken by the members of Parliament, as laid down by the 1st of William and Mary, shall continue and be taken till Parliament shall otherwise direct. This is what is called a permanent Act of Parliament, a provision to exclude Catholics for all future periods from seats in Parliament!

My lords, I beg to observe that if the Act which excludes Roman Catholics from seats in Parliament is permanent, there is another clause (I believe the 10th of 1 William III, cap. 8) which requires officers of the army and navy to take these very oaths previous to their acceptance of their commissions. Now, if the Act made in the first year of William and Mary, which excludes Roman Catholics from Parliament, is permanent, I should like to ask noble lords why the clause in that Act is not equally permanent?

I suppose that the noble and learned lord [Eldon] will answer my question by saying that one Act was permanent

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and ought to be permanently maintained, but that the other Act was not permanent and the Parliament did right in repealing it in 1817. But the truth of the matter is that neither Act was intended to be permanent; and the Parliament of Queen Anne recognized by the Act of Union that the first Act, relating to seats in Parliament, was not permanent; and the noble and learned lord did quite right when he consented to the Act of 1817, which put an end to the 10th clause of the 1st of William III, cap. 8.

Then, my lords, if this principle of exclusion — if this principle of the Constitution of 1688, as it is called, be not permanent, if it be recognized as not permanent, not only by the Act of Union with Scotland (in which it was said that the exclusion oath should continue till Parliament otherwise provided), but also by the later Act of Union with Ireland, I would ask your lordships whether you are not at liberty now to consider the expediency of doing away with it altogether, in order to relieve the country from the inconveniences to which I have already adverted?

I would ask your lordships whether you are not called upon to review the state of the representation of Ireland — whether you are not called upon to see, even supposing that the principle were a permanent one, if it be fit that Parliament should remain as it has remained for some time, groaning under a Popish influence exercised by the priests over the elections in Ireland.

I would ask your lordships, I repeat, whether it is not right to make an arrangement which has for its object not only the settlement of this question, but at the same time to relieve the country from the inconveniences which I have mentioned.

I have already stated the manner in which the organization I have alluded to works upon all the great interests of the

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country; but I wish your lordships particularly to attend to the manner in which it works upon the Church itself. That part of the Church of England which exists in Ireland is in a very peculiar situation: it is the Church of the minority of the people.

At the same time I believe that a more exemplary, a more pious, or a more learned body of men than the ministers of that Church do not exist. The ministers of that Church certainly enjoy and deserve the affections of those whom they are sent to instruct, in the same degree as their brethren in England enjoy the affections of the people of this country; and I have no doubt that they would shed the last drop of their blood in defence of the doctrines and discipline of their Church.

But violence, I apprehend, is likely to affect the interests of that Church; and I would put it to the House whether that Church can be better protected from violence by the government united in itself, united with Parliament, and united in sentiment with the great body of the people, or by a government disunited in opinion, disunited from Parliament, and by the two Houses of Parliament disunited. I am certain that no man can look to the situation of Ireland without seeing that the interest of the Church, as well as the interest of every class of persons under government, is involved in such a settlement of this question as will bring with it strength to the government and strength to every department of the State.

Having now gone through the general principles which induced me to consider it desirable to bring forward this measure, I will trouble your lordships for a short time longer, whilst I explain generally the provisions of the bill before the House. The bill is, in itself, very simple. It concedes to

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Roman Catholics the power of holding every office in the State, excepting a few connected with the administration of the affairs of the Church; and it also concedes to them the power of becoming members of Parliament.

I believe it goes farther, with respect to the concession of offices, than any former measure which has been introduced into the other House of Parliament. I confess that the reasons which induced me to consider it my duty to make such large concessions now, arose out of the effects which I observed following the Acts passed in the years 1782 and 1793. I have seen that any restriction upon concession has only had the effect of increasing the demands of the Roman Catholics, and at the same time giving them fresh power to enforce those demands.

I have therefore considered it my duty, in making this act of concession, to make it as large as any reasonable man can expect it to be, seeing clearly that anything which might remain behind would only give ground for fresh demands, and being convinced that the settlement of this question tends to the security of the State and to the peace and prosperity of the country.

I have already stated to your lordships my opinion respecting the expediency of granting seats in Parliament to Roman Catholics; and I do not conceive that the concession of seats in Parliament can in any manner affect any question relative to the Church of England. In the first place I beg your lordships to recollect that at the time those laws to which I have before alluded — the one passed in the 30th of Charles II and the other at the period of the Revolution, were enacted — it was not the Church that was in danger; it was the State. It was the State that was in danger; and from what? Not because the safety of the Church was threatened.

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No! but because the sovereign on the throne was suspected of Popery, and because the successor to the throne was actually a Papist. Those laws were adopted because of the existence of a danger which threatened the State, and not of one which threatened the Church. On the contrary, at that period danger to the Church was apprehended, not from Roman Catholics, but from dissenters from the Church of England.

I would ask of your lordships, all of whom have read the history of those times, whether any danger to the Church was apprehended from the Roman Catholics? No! Danger to the Church was apprehended from the dissenters, who had become powerful by the privileges granted to them under the Act of Parliament passed at the period of the Revolution. I think, therefore, that it is not necessary for me to enter into any justification of myself for having adopted this measure, on account of any danger which might be apprehended from it to the Church. Roman Catholics will come into Parliament under this bill, as they went into Parliament previous to the act of the 30th of Charles II. They sat in Parliament up to that period, and were not obliged to take the oath of supremacy.

By this bill they will be required to take the oath of allegiance, in which a great part of the oath of supremacy is included, namely, that part which refers to the jurisdiction of foreign potentates; and I must say, that the Church, if in danger, is better secured by this bill than it was previous to the 30th of Charles II, though the object for which that Act was recognized at the period of the Revolution, namely, to keep out the house of Stuart from the throne, has long since ceased to exist, by the extinction of that family.

It is the opinion of nearly every considerable man in the

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country (of nearly all those who are competent to form a judgment on the question) that the time is now arrived for repealing these laws. Circumstances have been gradually tending toward their repeal since the extinction of the house of Stuart; and at last the period has come when it is quite clear that the repeal can be no longer delayed with safety to the State.

But, my lords, I know that there are many in this House, and many in this country, who think, and I am free to admit that I was formerly of the same opinion myself, that the State ought to have some security for the Church against the proceedings of the Roman Catholic clergy besides the oaths imposed by the Act of Parliament to which I have already alluded. Now I confess that on examining into the question, and upon looking more minutely than I had before leisure to do, at the various Acts of Parliament by which the Church of England is constituted, and which form the foundation on which it rests, I can think of no sort of arrangement capable of being carried into execution in this country which can add to the security of the Established Church.

I beg your lordships to attend for a moment whilst I explain the situation of the kingdom of Prussia with respect to the Roman Catholic religion. The King of Prussia exercises the power which he does over the Roman Catholic Church in his various dominions under different concordats made with the Pope; in Silesia, under a concordat made by the sovereigns of the house of Austria with the Pope; in the territories on the left bank of the Rhine, under a concordat made by Bonaparte with the Pope; and in the territories on the right bank of the Rhine, under a concordat made by the former sovereigns of those countries with the Pope.

Each of these concordats supposes that the Pope possesses

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some power in the country which he is enabled to concede to the sovereign with whom the concordat is made. That is a point which we can never yield to any sovereign whatever. There is no sovereign, be he whom he may, who has any power in this country to confer upon his Majesty. We must keep our sovereign clear from such transactions. We can, therefore, have no security of that description, not even the veto on the appointment of a Roman Catholic bishop, without detracting in some degree, from the authority and dignity of the sovereign, and without admitting that the Pope has something to concede to his Majesty.

Now let us suppose another security. Suppose it were arranged that his Majesty should have the nomination of the Catholic bishops. If he nominated them he must also give them jurisdiction, he must give them dioceses. I should like to know in what part of Ireland or England the King could fix upon a spot where he could, consistently with the oath he has taken, nominate a Catholic bishop or give him a diocese?

The King is sworn to maintain the rights and privileges of the bishops and of the clergy of this realm, and of the churches committed to their charge. Now, consistently with that oath, how could the King appoint a bishop of the Roman Catholic religion; and would not the Established Church lose more than it gained by the assumption of such a power on the part of his Majesty?

Then, my lords, there is another security, which some noble lords think it desirable to have, namely, the obtaining by government of copies of all correspondence between the Catholic clergy and the court of Rome, and the supervising of that correspondence, in order to prevent any danger resulting to the Established Church. Upon that point I must say

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that I feel the greatest objection to involve the government of this country in such matters. That correspondence, we are told, turns on spiritual affairs.

But I will suppose, for the sake of argument, that it turns on questions of excommunication. Is it, then, to be suffered that the Pope and his Majesty, or his Majesty's secretary of state acting for him, should make laws for this country? for that would be the result of communications between the Catholic clergy of this realm and the Pope being submitted to his Majesty's inspection, or to the inspection of his Majesty's secretary of state. Such a security amounts to a breach of the constitution, and it is quite impossible that it could be made available. It would do more injury to the constitution and to the Church than anything which could be done by the Roman Catholics themselves when placed by this bill in the same situation as dissenters.

With respect to communications with the court of Rome, that has already been provided against and prevented by laws still in existence. Your lordships are aware that these laws, like many others regarding the Roman Catholic religion, are not strictly enforced; but still, if indulgence should be abused, if the conduct of those persons whose actions those laws are intended to regulate should be such as to render necessary the interference of government, the very measure which is now before your lordships will enable government to interfere in such a manner as not only to answer the object of its interference, but also to give satisfaction to this House and to the country.

Another part of the bill has for its object the putting an end to the order of the Jesuits and other monastic orders in this country. If your lordships will look at the Act passed in the year 1791, you will probably see that at that time, as

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well as in this, it was possible for one person to make laws through which another might drive a coach and four.

My noble and learned friend [Lord Eldon] will excuse me, I hope, for saying that, notwithstanding all the pains which he took to draw up the Act of 1791, yet the fact is, of which there cannot be the smallest doubt, that large religious establishments have been regularly formed, not only in Ireland, but also in this country. The measure which I now propose for your lordships' adoption will prevent the increase of such establishments, and, without oppression to any individuals, without injury to any body of men, will gradually put an end to those which have already been formed. There is no man more convinced than I am of the absolute necessity of carrying into execution that part of the present measure which has for its object the extinction of monastic orders in this country.

I entertain no doubt whatever that if that part of the measure be not carried into execution we shall very soon see this country and Ireland inundated by Jesuits and regular monastic clergy, sent out from other parts of Europe, with means to establish themselves within his Majesty's kingdom. When I recommend this measure to your lordships' attention, you have, undoubtedly, a right to ask what are the reasons I have for believing that it will effect the purpose for which it is intended.

My lords, I believe that it will answer its object, not only from the example of all Europe, but from the example of what occurred in a part of this kingdom on a former occasion. If I am not mistaken, at the time that the Episcopalians labored under civil disabilities in Scotland, the state of society there was as bad as the state of Ireland is at the present moment. Your lordships know that abroad, in other parts of

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Europe, in consequence of the diffusion of civil privileges to all classes, the difference between Protestant and Catholic is never heard of. I am certain that I can prove to your lordships what I state, when I say that the state of society in Scotland previous to the concession of civil privileges to the Episcopalians was as bad as the present state of society in Ireland.

I hope your lordships will give me leave to read a petition which has been sent to me this day, and which was presented to the Scottish Parliament at the period when those concessions were about to be made, and your lordships will perceive that the petition is almost a model of many petitions which have been read in this House respecting the question under discussion. I am therefore in expectation that, should the present bill pass this House, there will be no longer occasion for those complaints which have been expressed to your lordships, and that the same happy and peaceful state of things which has for the last century prevailed in Scotland will also prevail in Ireland.

I will, with your lordships' permission, read the petition I have alluded to, and I think that after you have heard it you will be of the same opinion as I am with respect to the similarity it bears to many petitions which have been presented to your lordships on the Catholic question. The petition states that—

—"to grant toleration to that party [the Episcopalians], in the present circumstances of the Church, must unavoidably shake the foundation of our present happy constitution; overthrow those laws on which it is settled; grievously disturb that peace and tranquillity which the nation has enjoyed since the late Revolution; disquiet the minds of his Majesty's best subjects; increase animosity; confirm discord and tumult; weaken and enervate the discipline of the

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Church; open the door to unheard-of vices, and to Popery as well as to other errors; propagate and cherish disaffection to the government; and bring the nation under the danger of falling back into those mischiefs and calamities from which it had lately escaped by the divine blessing. We therefore humbly hope that no concession will be granted to that party, which would be to establish iniquity by law, and bring upon the country manifold calamities and disasters, from which we pray that government may preserve the members of the high court of Parliament."

I sincerely hope that as the prophecy contained in this petition has not been fulfilled, a similar prophecy respecting the passing of the present bill, contained in many petitions presented to your lordships, will also not be fulfilled.

But, my lords, I have other grounds besides those which I have already stated for supposing that the proposed measure will answer the object in view. There is no doubt that, after this measure shall have been adopted, the Roman Catholics can have no separate interest as a separate sect; for I am sure that neither this House nor the other House of Parliament will be disposed to look upon the Roman Catholics, nor upon anything that respects Ireland, with any other eye than that with which they regard whatever affects the interest of Scotland or of this country. For my own part I will state that if I am disappointed in the hopes which I entertain that tranquillity will result from this measure I shall have no scruple in coming down and laying before Parliament the state of the case, and calling on Parliament to enable government to meet whatever danger might have arisen. I shall act with the same confidence that Parliament will support me then, as I have acted in the present case.

Having now explained to your lordships the grounds on which this measure has been brought forward — the state of

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Ireland, the state of public opinion on the question, the divisions of the government and of the Parliament, the pretences (for so I must call them) which have been urged against the claims of the Catholics, founded on acts passed previous to the Revolution — having, my lords, likewise stated to you the provisions of the measure which I propose as a remedy for these inconveniences, I will trouble your lordships no further, except by beseeching you to consider the subject with the coolness, moderation, and temper recommended in his Majesty's speech from the throne.

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NAPOLEON I

NAPOLEON BONAPARTE, the most famous of modern generals, and emperor of France, was born at Ajaccio, on the island of Corsica, August 15, 1769. After obtaining a military education in the schools of Brienne and Paris he received a lieutenant's commission, and in 1792 essayed a *coup d'état* in his native island which resulted in the flight of the entire Bonaparte family to France. There he soon joined himself to the extremists in politics and in 1793 was given command of an artillery battalion. After the fall of Robespierre he was imprisoned, but escaped the next year. Shortly after his marriage in 1796 with Josephine Beauharnais, whose husband had perished by the guillotine, Bonaparte was placed in command of the forces of the Directory sent against the Austrians in Italy, and his success in this campaign not only gave him a reputation beyond all other French generals, but rendered him practically independent of any other authority than his own will. Upon his return to France in 1799, after the campaign in Egypt, occurred the *coup d'état* which placed Napoleon at the head of affairs as First Consul. A second Italian campaign destroyed the Austrian power in Italy, confirmed the ascendancy of France, and secured the consulate to Napoleon for life. In December, 1804, he was crowned emperor at Notre Dame. He had now to contend against the hostility of the allied powers of Europe, and for ten years the struggle continued, interrupted only by brief intervals of comparative peace: some of the more important events in Napoleon's career meanwhile being his coronation as king of Italy in 1805, the battles of Austerlitz, Jena, and Eylau, his divorce from Josephine and marriage with Louisa of Austria, the battle of Borodino in 1812, followed by the disastrous retreat of the French army from Russia in the depth of the severest winter weather; the capture of Paris by the allies in March, 1814, and his abdication and banishment to the island of Elba in the following May. Less than a year later Napoleon escaped from Elba and landed in France, where the inspiration of his name soon gathered a vast army to his side, but on the 18th of June, 1815, he was defeated by the allied forces under Wellington in the memorable battle of Waterloo in Belgium. He was now sent to the island of Saint Helena off the western coast of Africa, where he died May 5, 1821. In 1840 his body was removed to Paris and placed in a splendid tomb in the Hôtel des Invalides. Napoleon was the greatest general of modern times and excelled especially in strategy and swiftness of action, but his failures were nevertheless as great as his successes, and to a very large extent were due to his apparent lack of any clearly outlined and far-reaching policy. No other French general ever commanded so fully the love and devotion of his soldiers, and no man did so much to imbue his country with false ideas as Napoleon.

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ADDRESS TO ARMY AT BEGINNING OF ITALIAN CAMPAIGN

DELIVERED MARCH, 1796

SOLDIERS,— You are naked and ill-fed! Government owes you much and can give you nothing. The patience and courage you have shown in the midst of this rocky wilderness are admirable; but they gain you no renown; no glory results to you from your endurance. It is my design to lead you into the most fertile plains of the world. Rich provinces and great cities will be in your power; there you will find honor, glory, and wealth. Soldiers of Italy, will you be wanting in courage or perseverance?

PROCLAMATION TO ARMY

MAY, 1796

SOLDIERS,— You have in fifteen days gained six victories, taken twenty-one stand of colors, fifty-five pieces of cannon, and several fortresses, and overrun the richest part of Piedmont; you have made 15,000 prisoners and killed or wounded upwards of 10,000 men.

Hitherto you have been fighting for barren rocks, made memorable by your valor, though useless to your country, but your exploits now equal those of the Armies of Holland and the Rhine. You were utterly destitute, and you have supplied all your wants. You have gained battles without cannon, passed rivers without bridges, performed forced marches without shoes; and bivouacked without strong liquors, and often without bread.

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None but Republican phalanxes, the soldiers of liberty, could have endured what you have done; thanks to you, soldiers, for your perseverance! Your grateful country owes its safety to you; and if the taking of Toulon was an earnest of the immortal campaign of 1794, your present victories foretell one more glorious.

The two armies which lately attacked you in full confidence now flee before you in consternation; the perverse men who laughed at your distress and inwardly rejoiced at the triumph of your enemies are now confounded and trembling.

But, soldiers, you have as yet done nothing, for there still remains much to do. Neither Turin nor Milan are yours; the ashes of the conquerors of Tarquin are still trodden underfoot by the assassins of Basseville. It is said that there are some among you whose courage is shaken, and who would prefer returning to the summits of the Alps and Apennines. No, I cannot believe it. The victors of Montenotte, Millesimo, Dego, and Mondovi are eager to extend the glory of the French name!

TO SOLDIERS ON ENTERING MILAN

PROCLAIMED MAY 15, 1796

SOLDIERS,—You have rushed like a torrent from the top of the Apennines; you have overthrown and scattered all that opposed your march. Piedmont, delivered from Austrian tyranny, indulges her natural sentiments of peace and friendship toward France. Milan is yours, and the Republican flag waves throughout Lombardy. The Dukes of Parma and Modena owe their political existence to your generosity alone.

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The army which so proudly threatened you can find no barrier to protect it against your courage; neither the Po, the Ticino, nor the Adda could stop you for a single day. These vaunted bulwarks of Italy opposed you in vain; you passed them as rapidly as the Apennines.

These great successes have filled the heart of your country with joy. Your representatives have ordered a festival to commemorate your victories, which has been held in every district of the Republic. There your fathers, your mothers, your wives, sisters, and mistresses rejoiced in your good fortune and proudly boasted of belonging to you.

Yes, soldiers, you have done much,—but remains there nothing more to do? Shall it be said of us that we knew how to conquer, but not how to make use of victory? Shall posterity reproach us with having found Capua in Lombardy?

But I see you already hasten to arms. An effeminate repose is tedious to you; the days which are lost to glory are lost to your happiness. Well, then, let us set forth! We have still forced marches to make, enemies to subdue, laurels to gather, injuries to revenge. Let those who have sharpened the daggers of civil war in France, who have basely murdered our ministers and burnt our ships at Toulon, tremble!

The hour of vengeance has struck; but let the people of all countries be free from apprehension; we are the friends of the people everywhere, and those great men whom we have taken for our models. To restore the capitol, to replace the statues of the heroes who rendered it illustrious, to rouse the Roman people, stupefied by several ages of slavery,—such will be the fruit of our victories; they will form an era for posterity; you will have the immortal glory of changing the face of the finest part of Europe. The French people, free and respected by the whole world, will give to Europe a

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glorious peace, which will indemnify them for the sacrifices of every kind which for the last six years they have been making. You will then return to your homes and your country. Men will say, as they point you out, "He belonged to the Army of Italy."

ADDRESS TO SOLDIERS DURING SIEGE OF MANTUA

DELIVERED NOVEMBER 6, 1796

SOLDIERS,—I am not satisfied with you; you have shown neither bravery, discipline, nor perseverance; no position could rally you; you abandoned yourselves to a panic-terror; you suffered yourselves to be driven from situations where a handful of brave men might have stopped an army. Soldiers of the 39th and 85th, you are not French soldiers. Quartermaster-General, let it be inscribed on their colors, "They no longer form part of the Army of Italy!"

ADDRESS TO TROOPS ON CONCLUSION OF FIRST ITALIAN CAMPAIGN

DELIVERED MARCH, 1797

SOLDIERS,—The campaign just ended has given you imperishable renown. You have been victorious in fourteen pitched battles and seventy actions. You have taken more than a hundred thousand prisoners, five hundred field-pieces, two thousand heavy guns, and four pontoon trains. You have maintained the army during the whole campaign. In addition to this you have sent six millions of dollars to the public treasury, and have enriched the National Museum with three hundred masterpieces of the

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arts of ancient and modern Italy, which it has required thirty centuries to produce. You have conquered the finest countries in Europe.

The French flag waves for the first time upon the Adriatic opposite to Macedon, the native country of Alexander. Still higher destinies await you. I know that you will not prove unworthy of them. Of all the foes that conspired to stifle the Republic in its birth, the Austrian emperor alone remains before you. To obtain peace we must seek it in the heart of his hereditary state. You will there find a brave people, whose religion and customs you will respect, and whose prosperity you will hold sacred. Remember that it is liberty you carry to the brave Hungarian nation.

ADDRESS TO TROOPS AFTER WAR OF THIRD COALITION

DELIVERED OCTOBER, 1805

SOLDIERS OF THE GRAND ARMY,—In a fortnight we have finished the entire campaign. What we proposed to do has been done. We have driven the Austrian troops from Bavaria and restored our ally to the sovereignty of his dominions.

That army which with equal presumption and imprudence marched upon our frontiers is annihilated.

But what does this signify to England She has gained her object. We are no longer at Boulogne, and her subsidy will be neither more nor less.

Of a hundred thousand men who composed that army sixty thousand are prisoners. They will replace our conscripts in the labors of agriculture.

Two hundred pieces of cannon, the whole park of artillery,

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ninety flags, and all their generals are in our power. Fifteen thousand men only have escaped.

Soldiers: I announced to you the result of a great battle; but, thanks to the ill-advised schemes of the enemy, I was enabled to secure the wished-for result without incurring any danger, and, what is unexampled in the history of nations, that result has been gained at the sacrifice of scarcely fifteen hundred men killed and wounded.

Soldiers: this success is due to your unlimited confidence in your emperor, to your patience in enduring fatigues and privations of every kind, and to your singular courage and intrepidity.

But we will not stop here. You are impatient to commence another campaign.

The Russian army, which English gold has brought from the extremities of the universe, shall experience the same fate as that which we have just defeated.

In the conflict in which we are about to engage, the honor of the French infantry is especially concerned. We shall now see another decision of the question which has already been determined in Switzerland and Holland; namely, whether the French infantry is the first or the second in Europe.

Among the Russians there are no generals in contending against whom I can acquire any glory. All I wish is to obtain the victory with the least possible bloodshed. My soldiers are my children.

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ADDRESS TO TROOPS ON BEGINNING THE RUSSIAN CAMPAIGN

DELIVERED MAY, 1812

SOLDIERS,—The second war of Poland has begun. The first war terminated at Friedland and Tilsit. At Tilsit Russia swore eternal alliance with France and war with England. She has openly violated her oath, and refuses to offer any explanation of her strange conduct till the French Eagle shall have passed the Rhine and consequently shall have left her allies at her discretion. Russia is impelled onward by fatality. Her destiny is about to be accomplished. Does she believe that we have degenerated? that we are no longer the soldiers of Austerlitz? She has placed us between dishonor and war. The choice cannot for an instant be doubtful.

Let us march forward, then, and, crossing the Niemen, carry the war into her territories. The second war of Poland will be to the French army as glorious as the first. But our next peace must carry with it its own guarantee and put an end to that arrogant influence which for the last fifty years Russia has exercised over the affairs of Europe.

FAREWELL TO THE OLD GUARD

SPOKEN APRIL 20, 1814

SOLDIERS OF MY OLD GUARD,—I bid you farewell. For twenty years I have constantly accompanied you on the road to honor and glory. In these latter times, as in the days of our prosperity, you have invariably

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been models of courage and fidelity. With men such as you our cause could not be lost; but the war would have been interminable; it would have been civil war, and that would have entailed deeper misfortunes on France.

I have sacrificed all my interests to those of the country.

I go, but you, my friends, will continue to serve France. Her happiness was my only thought. It will still be the object of my wishes. Do not regret my fate; if I have consented to survive, it is to serve your glory. I intend to write the history of the great achievements we have performed together. Adieu, my friends. Would I could press you all to my heart.

[Napoleon then ordered the eagles to be brought, and, having embraced them he added:]

I embrace you all in the person of your general. Adieu, soldiers! Be always gallant and good.

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SCARLETT

JAMES SCARLETT, BARON ABINGER, an English baron of the exchequer, was born on the island of Jamaica, December 13, 1769. Sent to England in 1785 to complete his education he studied at Trinity College, Cambridge University, and the Inner Temple, and was called to the bar in 1791. He rose rapidly in his profession, becoming one of the most popular advocates of his day and receiving probably the largest income as well. He was made king's counsel in 1816 and entered the House of Commons in 1819. In Parliament, however, he failed to sustain at all points the reputation for brilliant oratory gained in the law courts. He was made lord chief baron of the exchequer in 1834 and was raised to the peerage in 1835 as Baron Abinger, but seldom engaged in the debates in the House of Lords. His death took place at Bury Saint Edmund's, April 2, 1844. Scarlett was neither great as a lawyer nor especially eloquent, but having a profound knowledge of human nature, quick perceptions, and absolute self-control, he achieved a remarkable success. His conduct of causes displayed great tact and a determination to obtain a verdict rather than to win applause.

CHARGE TO THE JURY

DELIVERED IN 1842 AFTER SERIOUS RIOTS HAD TAKEN PLACE IN THE MANUFACTURING DISTRICTS

GENTLEMEN OF THE GRAND JURY,— You are assembled at this unusual season to discharge a very painful, but a very important duty. A due regard for the public safety makes it essential that all tumultuous and unlawful assemblies of the people should be put down by force if necessary, and punished with the utmost rigor of the law.

At the same time we cannot reflect on the occurrences which have recently taken place in the manufacturing districts without mixed emotions of compassion, and, if I may say so, indignation: compassion for the weakness and ignorance of those deluded multitudes who imagine they could effect the

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purposes they had in view by force and violence, and who, as they never fail to do, must become the victims of their own delusion, and suffer misery and privation, and many of them punishment; indignation at the artful contrivances of those who, to serve their own private objects and their own political ends, promoted and excited the delusion of the industrious classes, by addressing to their minds deceitful arguments, unfounded in reason or in sense, and then endeavored to take advantage of the delusion they had caused, in order that they might thereby carry into effect their own objects.

I need hardly remind you that it is one of the evils incident to a nation of great manufacturing and commercial prosperity, that it should occasionally be subject to great reverses. It is the nature and habit of industry and enterprise to keep full the channels of supply sometimes to overflowing; and whenever a check to the demand occurs there must follow for a while a suspension of employment, a diminution in the price of manufactured produce and in the wages of labor, and very often, unhappily, distress and misery of the manufacturing classes.

The history of our own country furnishes examples of this kind. A bad harvest either at home or abroad; the blockade of foreign ports with which we are accustomed to traffic; a war with a nation which takes a large quantity of our manufactured goods; the disturbance of friendly relations between this and other nations with which we have commercial intercourse; the uncertainty of the laws which affect trade and commerce; sometimes the public agitation of the great questions or principles on which commerce depends; sometimes even the opinion that the government is not wise enough to propose nor strong enough to carry important measures for the maintenance and advancement of the public weal; all these are

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circumstances which tend to paralyze industry and the enterprise of commercial men, and at the same time to suspend all those advantages which the country was before gaining from a prosperous condition of trade and commerce. It would be easy, if necessary, to trace many, if not all, of these causes which have in succession or combination produced that distress we have lately witnessed.

I stated just now that we cannot view without emotions of compassion the situation of the industrious classes, who, not having a competent knowledge to form a judgment of their own as to the principles or the rights of property, or upon the questions in which their own prosperity is involved, imagine that they can by force and violence dictate terms to their masters, and thereby rescue themselves from a degree of privation and discomfort against which no government, however it might be formed, and no law, whatever might be its provisions, could effectually secure them.

Nevertheless you will find many in that situation of life to which I have just alluded, and with that infirmity of judgment which I have just described, whose passions are most easily inflamed when subjects are touched on relating to their own means of subsistence, and their state of discomfort, induced by crafty persons, who excite and mislead them to imagine that they are themselves the fittest persons to govern, and that they ought to have an equal if not a superior share in the conduct of the government and in the making of the laws. I am afraid that the manufacturing classes have been of late the dupes of this sort of persuasion; and you will find in the occurrences which have called you together sundry examples of this delusion.

You will find that there is a society of persons who go by the name of Chartists, and who, if they have not excited or

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fomented those outrages which will be brought under your notice, have nevertheless taken advantage of them for their own purposes; have endeavored to prevent the unfortunate people from returning to their work; and sought so to direct them that they might, by the suspension of all labor, be conducive to the attainment of political objects.

And what is the object of the charter which these men are seeking? What are the points of the charter? Annual parliaments, universal suffrage, and vote by ballot.

Yes, gentlemen, you will find by the evidence which will be produced before you that it has been inculcated upon many misguided persons that the sovereign remedy for all abuses, and the only means of putting themselves in possession of such a share of power as would enable them to vindicate their own rights and secure themselves against oppression, is by the enactment of what they call the People's Charter.

In what a strange situation this country would be placed if those who had no property were to possess a preponderating voice in the making of the laws. These unhappy men do not consider that the first objects of civilized society are the establishment and preservation of property and the security of person. What, then, would be the state of any country if multitudes were to make the laws for regulating property or were permitted to employ physical force to restrain individuals from employing their own labor, according to their own judgment, for procuring their subsistence? The foundations of civilized society may be considered to consist in the protection of property and the security of person; and if these two objects were abandoned society must be dissolved. What a strange effect, then, would the establishment of a system of universal suffrage produce; for under it every man, though possessing no property, would have a voice in the choice of the repre-

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sentation of the people! The necessary consequences of this system would be that those who have no property would make laws for those who have property, and the destruction of the monarchy and aristocracy must necessarily ensue.

I do not pretend to judge the motives of those individuals who entertain such views as I have been alluding to, but they seem to forget that it is impossible to establish a perfectly democratic representative assembly, in the formation of which every man in the country should have a voice, without eventually destroying the monarchy and the influence of property, and leading to the creation of a form of government which would become in the end an odious tyranny. Such is the history of all attempts to establish a democracy in countries where a government consisting of mixed elements formerly existed.

There is a country which cannot be spoken of without respect and attachment, as emanating from ourselves (I allude to America), from which you may collect what security for property is afforded by a pure republic. In the different States of America there are pure democratic associations elected by universal suffrage and vote by ballot; and some of these States have recently exhibited the regard paid to property by democratic assemblies by having protested against paying the public creditor and disregarded their own obligation to obey their own law made for his security. If such a system of democracy were established in England, the first consequence would be that the security of property would be removed; the public creditor and all commercial accumulations would be destroyed; and finally, if it were not the first object aimed at, would follow the destruction of property in land. There would be a universal agrarian law.

The formation of such a government in a country like this

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must work universal ruin and distress, and, after inflicting the most bitter of all tyranny, that of a democratic assembly, would terminate in a despotism. But it appears that persons entertaining a design to establish such a form of government have taken advantage of an occasional depression of the commerce and manufactures of the country, and the privations which the laboring classes are suffering, for the purpose of encouraging them to resist their masters and to abstain from labor, telling them that this was the only means within their reach by which they could obtain the accomplishment of their favorite charter.

I am glad to be informed, gentlemen, that on some portions
11 of the multitudes to which such topics were addressed they failed to have any effect. There was a certain feeling of common sense, and a remaining attachment to the institutions of the country, which forbade many to listen to the voice of these Chartists.

Nevertheless, gentlemen, you will find by the evidence which will be produced before you that great pains were taken to inculcate these doctrines in the minds of the people and to encourage them by the force which belongs to assembled multitudes to carry them into effect. In the cases which will come before you, gentlemen, you may find persons preaching these doctrines.

I am desirous not to be understood as stating that the mere holding of any abstract opinion on political subjects is an offence; but if those persons who entertain such doctrines as I have alluded to endeavor to enforce them by popular tumult, they must be guilty of a grave offence. If you should find, too, cases satisfactorily proved, where persons have used efforts to prevail on the laboring people not to return to work, or have resorted to measures of tumult and disorder in order to

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carry into effect their favorite objects, there can be no doubt that such persons are justly liable to punishment; and you, gentlemen, will doubtless feel it due to your country to bring them before this court.

There is another class of offenders who will be brought before you, namely, those who joined in assemblies of the people, the object of which was by force to turn others out of employment or prevent them from continuing at work. This is a species of tyranny quite intolerable. What right has any man to dictate to another at what price he should labor. If the party who labors, or the party employing, is dissatisfied with the terms of the contract, they have nothing to do but to put an end to the contract.

I am afraid, for I believe the law has been altered in this respect, that even the combination of a number of workmen for the purpose of dictating terms to masters has ceased to be an indictable offence in itself. But, though this is not an indictable offence so long as the combination be conducted in a peaceable and quiet manner, yet if they attempt to force others to join them by terror or intimidation they are guilty of one of the most daring and outrageous acts of tyranny.

What would be said if a government differently constituted from our own, and acting by direct force on the people, if the powers of such a government were exercised in a similar manner in order that the workmen might not continue at their labor? Would it not be described as an insupportable tyranny, and as forming a just ground for insurrection? Yet you will find that these unhappy men were not content with exercising the privileges which the law allowed them, of agreeing amongst themselves not to work without a certain rate of remuneration, but they attempted by force to compel others to quit their labor. When a case of this kind comes before

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you, gentlemen; when you find attempts made by tumult, riot, and force, to detach the laborer from his occupation, you will consider them offences of an aggravated character, and in such cases I would recommend you to find the bills.

The third class of offences is in its nature not so aggravated, and yet it is not to be passed over, namely, where persons have joined in a tumultuous crowd engaged in some illegal design. You may say, and justly, that though a vast number of persons might assemble together, a few only might be engaged in any criminal design. Still, as the criminal design could only be effected by the terror which a multitude inspires, any man who joins the mob becomes one of the persons countenancing and furthering the illegal end. If, therefore, a crowd tumultuously collect together, creating alarm to the neighborhood in which it assembles, and assuming a character dangerous to the public peace, every person who joins it becomes an implicated party, and is by law guilty of riot, though the party accused may have done nothing more than merely brought to the mob the sanction of his personal presence.

I do not mean to say that a man might not be in a mob innocently; for a person going home might find it necessary to pass by the place where the mob was assembled, or he might go into the mob for the purpose of inducing another not to join it, or to prevent excess. There might be innocent motives which brought a man in the midst of a mob; but as by his presence he increased the multitude, the amount of which occasioned terror, it lies upon him to prove his innocence and to show whether his presence there was voluntary or otherwise. I mention this as a case of simple riot; and if you find persons joining assemblies which had illegal objects in view, or which conducted themselves in a tumultuous and

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riotous manner, you must bring them before this court; for if they have any excuse which may operate in their defence, they have no means of producing it before you. The finding of a true bill against them will be justified by the evidence of a *prima facie* case against them; and if that case be proved against them the *onus probandi* as to their innocence will afterward be thrown upon them.

From the information laid before me I believe that I have now described the general character of the cases which will be submitted to your consideration; but there are two other cases which I ought to mention. I have stated that where a crowd assembled and acted illegally, those facts determined the character of the assembly to be unlawful. You will find that in some cases attempts have been made to extort money or provisions, and whenever the parties so acting have succeeded in their design through the aid of terror and force, they have been guilty of the offence of robbery. This will probably form a class of the cases which will come before you.

Gentlemen, you are aware that if any assembly of persons begin to demolish and pull down any building, that act constitutes a felony. Whether any cases amounting to this offence will come before you, I am not sufficiently informed to say, but I have reason to think that some of the cases may take that shape. All the different classes of offences which I have mentioned will probably come under your consideration. If you find any persons fomenting disturbance, or endeavoring to work out their particular views by creating a suspension of labor, ruinous not only to the parties themselves, but also to the country, and by forcibly compelling others to cease labor, they are liable to heavy punishment. If you find others seeking to obtain by intimidation money or provisions, or engaged in pulling down buildings, these offend-

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ers would come under a different class, but they would deserve your serious attention. I believe I have now described the character of the different offences, and I am not aware that I could add anything which might direct your inquiries. Still I shall be very happy to give you, if needful, every assistance in my power to facilitate your investigations. Nevertheless, I do not think it probable that gentlemen of your experience and knowledge will require any further information.

I cannot conclude without repeating my expression of compassion for the unhappy people who have acted under the delusion I have referred to. But, gentlemen, the law takes no account of such delusions; and if a man commits guilty acts he must be prepared to submit to the consequences of his conduct. It is true that the poorer classes of the country have been suffering from great privations; and I may allude to this subject as it is matter of notoriety and has formed matter of public discussion; but it is very singular that the time chosen to break out was a period when a more settled commercial policy had been adopted, when every person expected a revival of manufacturing prosperity, and when, I believe, every person felt there was existing a salient point from which commercial prosperity might take its start. It is singular that this should be the moment chosen to foment these disturbances; and the country has suffered in consequence a suspension of that prosperity which might confidently have been anticipated, and of which, I trust, it is not too late to hope for the return.

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TECUMSEH

TECUMSEH, or TECUMTHA, a Shawnee Indian chief (whose name means "The Shooting Star"), was born near what is now Springfield, Ohio, about 1770. He spent his life in endeavoring to free the Indians from subjection to the whites. In this struggle he was constantly associated with his twin brother, Elskwatawa, better known as "The Prophet," who was a clever impostor.

Tecumseh first appeared as a bold, active warrior about 1795, in a minor frontier campaign. Ten years later he conceived a plan to unite the western Indians against the whites, arguing that all the land treaties made by the various tribes were not valid. The brothers visited all the tribes from the Lakes to the Gulf and aroused a large following. General William Henry Harrison, governor of the Northwest, called him to a conference. Tecumseh was eloquent, but was also violent, and was only held in check by military authority. He then set off to influence the Creeks, Choctaws, and Cherokees; in his absence General Harrison defeated the Indians at Tippecanoe. This upset all his plans, and for a time he remained in the south, stirring up rebellion there. His prophecies of a comet and an earthquake led the Creeks into a war with the whites, in which they were badly crushed.

The wily Tecumseh saw that now his only hope lay in an alliance with the British. His bravery in action was so much appreciated by the English generals that Tecumseh was soon made a brigadier-general under General Henry Proctor, with whom he served in the various actions succeeding the battle of Lake Erie. At the battle of the river Thames he commanded the right wing of the allied forces; and after his Indians were driven back he was killed on October 5, 1813, in single combat with Colonel Richard Malcolm Johnston, an American, afterward vice-president. Tecumseh's genius was of a high executive order, combined with great military and oratorical ability. The various western tribes were completely under control of the brothers and their efforts in behalf of the English in the war of 1812 saved Canada to Great Britain. Tecumseh was one of those few Indians who possessed real executive ability. His eloquence was of a fiery, passionate type, and his good generalship combined with his great personal bravery made him idolized by his Indians.

SPEECH AT VINCENNES

[In 1809 Governor Harrison purchased of the Delawares and other tribes of Indians a large tract of country on both sides of the Wabash, and extending up the river sixty miles above Vincennes. Tecumseh was absent during the time of the negotiation, and at his return expressed great dissatisfaction with the sale. On August 12, 1810, he met the governor in council at Vincennes, when he addressed him as follows:]

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IT IS true I am a Shawnee. My forefathers were warriors. Their son is a warrior. From them I take only my existence; from my tribe I take nothing. I am the maker of my own fortune; and oh! that I could make that of my red people, and of my country, as great as the conceptions of my mind, when I think of the Spirit that rules the universe. I would not then come to Governor Harrison to ask him to tear the treaty and to obliterate the landmark; but I would say to him, Sir, you have liberty to return to your own country. The being within, communing with past ages, tells me that once, nor until lately, there was no white man on this continent; that it then all belonged to red men, children of the same parents, placed on it by the Great Spirit that made them, to keep it, to traverse it, to enjoy its productions, and to fill it with the same race, once a happy race, since made miserable by the white people, who are never contented, but always encroaching. The way, and the only way to check and to stop this evil, is for all the red men to unite in claiming a common and equal right in the land, as it was at first, and should be yet; for it never was divided, but belongs to all for the use of each. That no part has a right to sell, even to each other, much less to strangers; those who want all, and will not do with less.

The white people have no right to take the land from the Indians, because they had it first; it is theirs. They may sell, but all must join. Any sale not made by all is not valid. The late sale is bad. It was made by a part only. Part do not know how to sell. It requires all to make a bargain for all. All red men have equal rights to the unoccupied land. The right of occupancy is as good in one place as in another. There cannot be two occupations in the same place. The first excludes all others. It is not so in hunting or travelling; for

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there the same ground will serve many, as they may follow each other all day; but the camp is stationary, and that is occupancy. It belongs to the first who sits down on his blanket or skins which he has thrown upon the ground; and till he leaves it no other has a right.

SPEECH TO GENERAL PROCTOR

[The following speech, "in the name of the Indian chiefs and warriors to Major-General Proctor, as the representative of their Great Father, the King," is supposed to have been delivered a short time prior to the battle of the Thames, October 5, 1813.]

FATHER, listen to your children! you have them now all before you. The war before this our British father gave the hatchet to his red children, when old chiefs were alive. They are now dead. In that war our father was thrown on his back by the Americans, and our father took them by the hand without our knowledge; and we are afraid that our father will do so again at this time.

Summer before last, when I came forward with my red brethren and was ready to take up the hatchet in favor of our British father, we were told not to be in a hurry, that he had not yet determined to fight the Americans.

Listen! When war was declared, our father stood up and gave us the tomahawk, and told us that he was ready to strike the Americans; that he wanted our assistance, and that he would certainly get us our lands back, which the Americans had taken from us.

Listen! You told us, at that time, to bring forward our families to this place, and we did so; and you promised to take care of them, and that they should want for nothing

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while the men would go and fight the enemy. That we need not trouble ourselves about the enemy's garrisons; that we knew nothing about them, and that our father would attend to that part of the business. You also told your red children that you would take good care of your garrison here, which made our hearts glad.

Listen! When we were last at the Rapids, it is true we gave you little assistance. It is hard to fight people who live like ground-hogs.

Father, listen! Our fleet has gone out; we know they have fought; we have heard the great guns; but know nothing of what has happened to our father with one arm. Our ships have gone one way, and we are much astonished to see our father tying up everything and preparing to run away the other, without letting his red children know what his intentions are. You always told us to remain here and take care of our lands. It made our hearts glad to hear that was your wish. Our great father, the King, is the head, and you represent him. You always told us that you would never draw your foot off British ground; but now, father, we see you are drawing back, and we are sorry to see our father doing so without seeing the enemy. We must compare our father's conduct to a fat animal that carries its tail upon its back, but when affrighted it drops it between its legs and runs off.

Listen, father! The Americans have not yet defeated us by land; neither are we sure that they have done so by water — we therefore wish to remain here and fight our enemy, should they make their appearance. If they defeat us, we will then retreat with our father.

At the battle of the Rapids, last war, the Americans certainly defeated us; and when we retreated to our father's fort in that place the gates were shut against us. We were afraid

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that it would now be the case, but instead of that we now see our British father preparing to march out of his garrison.

Father! You have got the arms and ammunition which our great father sent for his red children. If you have an idea of going away, give them to us, and you may go and welcome, for us. Our lives are in the hands of the Great Spirit. We are determined to defend our lands, and if it is his will we wish to leave our bones upon them.

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MASON

JOHN MITCHELL MASON, an eloquent divine and theologian of the Reformed Presbyterian Church, was born in New York city, in 1770. After graduating from Columbia College he continued his theological studies at Edinburgh. In his twenty-third year he succeeded his father in the pastorate of the Cedar Street Church, New York. He became editor of the "Christian Magazine" in 1807, provost of Columbia College four years later, and president of Dickinson College, Carlisle, Pennsylvania, in 1821. Three years later he returned to his native city, where he died in 1829. Among the justly celebrated of his sermons are: "Messiah's Throne," "Gospel for the Poor," "Oration on the Death of Hamilton."

EULOGY ON WASHINGTON

DELIVERED FEBRUARY 22, 1800

FELLOW CITIZENS,—The offices of this day belong less to eloquence than to grief. We celebrate one of those great events which, by uniting public calamity with private affliction, create in every bosom a response to the throes of an empire. God, who doeth wonders, whose ways must be adored but not questioned, in severing from the embraces of America her first-beloved patriot, has imposed on her the duty of blending impassioned feeling with profound and unmurmuring submission.

An assembled nation, lamenting a father in their departed chief; absorbing every inferior consideration in the sentiment of their common loss; mingling their recollections and their anticipations, their wishes, their regrets, their sympathies and their tears, is a spectacle not more tender than awful, and excites emotions too mighty for utterance.

I should have no right to complain, Americans, if, instead

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of indulging me with your attention, you should command me to retire and leave you to weep in the silence of woe. I should deserve the reprimand were I to appear before you with the pretensions of eulogy.

No! Eulogy has mistaken her province and her powers when she assumes for her theme the glory of Washington. His deeds and his virtues are his high eulogium — his deeds most familiar to your memories, his virtues most dear to your affections. To me, therefore, nothing is permitted but to borrow from yourselves. And though a pencil more daring than mine would languish in attempting to retrace the living lines which the finger of truth has drawn upon your hearts, you will bear with me while, on a subject which dignifies everything related to it, "I tell you that which you yourselves do know."

The name of Washington, connected with all that is most brilliant in the history of our country and in human character, awakens sensations which agitate the fervors of youth and warm the chill bosom of age. Transported to the times when America rose to repel her wrongs and to claim her destinies, a scene of boundless grandeur bursts upon our view. Long had her filial duty expostulated with parental injustice. Long did she deprecate the rupture of those ties which she had been proud of preserving and displaying.

But, her humble entreaty spurned, aggression followed by the rod, and the rod by scorpions, having changed remonstrance into murmur, and murmur into resistance, she transfers her grievances from the throne of earth to the throne of heaven; and precedes by an appeal to the God of judgment her appeal to the sword of war.

At issue now with the mistress of the seas; unfurnished with equal means of defence; the convulsive shock approach-

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ing; and every evil omen passing before her,—one step of rashness or of folly may seal her doom. In this accumulation of trouble who shall command her confidence, and face her dangers, and conduct her cause? God, whose kingdom ruleth over all, prepares from afar the instruments best adapted to his purpose.

By an influence which it would be as irrational to dispute as it is vain to scrutinize, he stirs up the spirit of the statesman and the soldier. Minds on which he has bestowed the elements of greatness are brought, by his providence, into contact with exigencies which rouse them into action. It is in the season of effort and of peril that impotence disappears and energy arises. The whirlwind which sweeps away the glow-worm uncovers the fire of genius and kindles it into a blaze that irradiates at once both the zenith and the poles.

But among the heroes who sprung from obscurity when the college, the counting-house, and the plow teemed with "thunderbolts of war," none could, in all respects, meet the wants and the wishes of America. She required, in her leader, a man reared under her own eye; who combined with distinguished talent a character above suspicion; who had added to his physical and moral qualities the experience of difficult service; a man who should concentrate in himself the public affections and confidences; who should know how to multiply the energies of every other man under his direction and to make disaster itself the means of success — his arm a fortress and his name a host. Such a man it were almost presumption to expect; but such a man all-ruling Heaven had provided, and that man was WASHINGTON!

Pre-eminent already in worth, he is summoned to the pre-eminence of toil and of danger. Unallured by the charms of opulence; unappalled by the hazard of a dubious warfare;

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unmoved by the prospect of being, in the event of failure, the first and most conspicuous victim,—he obeys the summons because he loves his duty. The resolve is firm, for the probation is terrible. His theatre is a world; his charge, a family of nations; the interest staked in his hands, the prosperity of millions unborn in ages to come; his means, under aid from on high, the resources of his own breast, with the raw recruits and irregular supplies of distracted colonies.

O crisis worthy of such a hero!

Followed by her little bands, her prayers and her tears, Washington espouses the quarrel of his country. As he moves on to the conflict every heart palpitates and every knee trembles. The foe, alike valiant and veteran, presents no easy conquest, nor aught inviting but to those who had consecrated their blood to the public weal. The Omnipotent, who allots great enjoyment as the meed of great exertion, had ordained that America should be free; but that she should learn to value the blessing by the price of its acquisition. She shall go to a "wealthy place," but her way is "through fire and through water."

Many a generous chief must bleed, and many a gallant youth sink, at his side, into the surprised grave; the field must be heaped with slain; the purple torrent must roll,—ere the angel of peace descend with his olive. It is here, amid devastation, and horror, and death, that Washington must reap his laurels, and engrave his trophies on the shields of immortality. Shall Delaware and Princeton—shall Monmouth and New York—but I may not particularize, far less repeat the tale which babes recite, which poets sing, and fame has published to the listening world. Now, he saved the republic by more than Fabian caution; now, he avenged her by more than Carthagenian fierceness; while at every

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strake her forests and her hills re-echoed to her shout, "The sword of the Lord and of Washington!"

Nor was this the vain applause of partiality and enthusiasm. The blasted schemes of Britain, her broken and her captive hosts, proclaimed the terror of his arms. Skilled were her chiefs and brave her legions; but bravery and skill rendered them a conquest more worthy of Washington. True, he suffered, in his turn, repulse and even defeat. It was both natural and needful. Unchequered with reverse, his story would have resembled rather the fictions of romance than the truth of narrative; and had he been neither defeated nor repulsed we had never seen all the grandeur of his soul. He arrayed himself in fresh honors by that which ruins even the great — vicissitude. He could not only subdue an enemy, but, what is infinitely more, he could subdue misfortune. With an equanimity which gave temperance to victory, and cheerfulness to disaster, he balanced the fortunes of the State. In the face of hostile prowess; in the midst of mutiny and treason; surrounded with astonishment, irresolution, and despondence,—Washington remained erect, unmoved, invincible.

Whatever ills America might endure in maintaining her rights, she exulted that she had nothing to fear from her commander-in-chief. The event justified her most sanguine presages. That invisible hand which girded him at first continued to guard and to guide him through the successive stages of the Revolution. Nor did he account it a weakness to bend the knee in homage to its supremacy and prayer for its direction. This was the armor of Washington; this the salvation of his country.

The hope of her reduction at length abandoned; her war of liberty brought, in the establishment of independence, to

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that honorable conclusion for which it had been undertaken, the hour arrived when he was to resign the trust which he had accepted with diffidence. To a mind less pure and elevated the situation of America would have furnished the pretext, as well as the means, of military usurpation. Talents equal to daring enterprise; the derangement of public affairs; unbounded popularity; and the devotion of a suffering army, would have been to every other a strong, and to almost any other an irresistible temptation.

In Washington they did not produce even the pain of self-denial. They added the last proof of his disinterestedness; and imposed on his country the last obligation to gratitude. Impenetrable by corrupting influence; deaf to honest but erring solicitation; irreconcilable with every disloyal sentiment, he urged the necessity, and set the example of laying down, in peace, arms assumed for the common defence. But to separate from the companions of his danger and his glory, was, even for Washington, a difficult task. About to leave them forever, a thousand sensations rushed upon his heart, and all the soldier melted in the man. He who has no tenderness has no magnanimity. Washington could vanquish, and Washington could weep. Never was affection more cordially reciprocated. The grasped hand; the silent anguish; the spontaneous tear trickling down the scarred cheek; the wistful look, as he passed, after the warrior who should never again point their way to victory; form a scene for nature's painter, and for nature's bard.

But we must not lose, in our sensibility, the remembrance of his penetration, his prudence, his regard of public honor and of public faith. Abhorring outrage; jealous for the reputation and dreading the excesses of even a gallant army, flushed with conquest, prompted by incendiaries, and sheltered

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by a semblance of right, his last act of authority is to dismiss them to their homes without entering the capital. Accompanied with a handful of troops he repairs to the council of the States, and, through them, surrenders to his country the sword which he had drawn in her defence.

Singular phenomenon! Washington becomes a private citizen. He exchanges supreme command for the tranquillity of domestic life. Go, incomparable man! to adorn no less the civic virtues than the splendid achievements of the field: go, rich in the consciousness of thy high deserts: go, with the admiration of the world, with the plaudit of millions, and the orisons of millions more for thy temporal and thine eternal bliss!

The glory of Washington seemed now complete. While the universal voice proclaimed that he might decline, with honor, every future burden, it was a wish and an opinion almost as universal that he would not jeopardize the fame which he had so nobly won. Had personal considerations swayed his mind, this would have been his own decision. But, untutored in the philosophism of the age, he had not learned to separate the maxims of wisdom from the injunctions of duty. His soul was not debased by that moral cowardice which fears to risk popularity for the general good. Having assisted in the formation of an efficient government which he had refused to dictate or enforce at the mouth of his cannon, he was ready to contribute the weight of his character to ensure its effect. And his country rejoiced in an opportunity of testifying that, much as he loved and trusted others, she still loved and trusted him most. Hailed, by her unanimous suffrage, the pilot of the state, he approaches the awful helm, and, grasping it with equal firmness and ease, demonstrates that forms of power cause no embarrassment to him.

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In so novel an experiment as a nation framing a government for herself under no impulse but that of reason; adopting it through no force but the force of conviction; and putting it into operation without bloodshed or violence, it was all-important that her first magistrate should possess her unbounded good will. Those elements of discord which lurked in the diversity of local interest; in the collision of political theories; in the irritations of party; in the disappointed or gratified ambition of individuals; and which, notwithstanding her graceful transition, threatened the harmony of America, it was for Washington alone to control and repress. His tried integrity, his ardent patriotism, were instead of a volume of arguments for the excellence of that system which he approved and supported.

Among the simple and honest, whom no artifice was omitted to ensnare, there were thousands who knew little of the philosophy of government and less of the nice machinery of the constitution; but they knew that Washington was wise and good; they knew it was impossible that he should betray them; and by this they were rescued from the fangs of faction. Ages will not furnish so instructive a comment on that cardinal virtue of republicans, confidence in the men of their choice; nor a more salutary antidote against the pestilential principle that the soul of a republic is jealousy. At the commencement of her federal government mistrust would have ruined America; in confidence she found her safety.

The reappearance of Washington as a statesman excited the conjecture of the Old World, and the anxiety of the New. His martial fame had fixed a criterion, however inaccurate, of his civil administration. Military genius does neither confer nor imply political ability. Whatever merit may be attached to the faculty of arranging the principles and prece-

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cuting the details of an army, it must be conceded that vaster comprehensions belong to the statesman. Ignorance, vanity, the love of paradox, and the love of mischief, affecting to sneer at the "mystery of government," have, indeed, taught that common sense and common honesty are his only requisites.

The nature of things and the experience of every people in every age teach a different doctrine.

America had multitudes who possessed both those qualities, but she had only one Washington. To adjust, in the best compromise, a thousand interfering views, so as to effect the greatest good of the whole with the least inconvenience to the parts; to curb the dragon of faction by means which ensure the safety of public liberty; to marshal opinion and prejudice among the auxiliaries of the law; in fine, to touch the mainspring of national agency so as to preserve the equipoise of its powers and to make the feeblest movements of the extremities accord with the impulse at the centre, is only for genius of the highest order. To excel equally in military and political science has been the praise of a few chosen spirits, among whom, with a proud reference, we enroll the father of our country.

It was the fortune of Washington to direct transactions of which the repetition is hardly within the limits of human possibilities. When he entered on his first presidency all the interests of the continent were vibrating through the arch of political uncertainty. The departments of the new government were to be marked out and filled up; foreign relations to be regulated; the physical and moral strength of the nation to be organized; and that at a time when scepticism in politics, no less than in religion and morals, was preparing, throughout Europe, to spring the mine of revolution and ruin. In dis-

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charging his first duties that same intelligent, cautious, resolute procedure which had rendered him the bulwark of war now exhibited him as the guardian of peace. Appropriation of talent to employment is one of the deep results of political sagacity. And in his selection of men for office Washington displayed a knowledge of character and of business, a contempt of favoritism and a devotion to the public welfare, which permitted the general to be rivalled only by the president.

Under such auspices, the fruit and the pledge of divine blessing, America rears her head and recovers her vigor. Agriculture laughs on the land: commerce ploughs the wave: peace rejoices her at home; and she grows into respect abroad. Ah! too happy, to progress without interruption. The explosions of Europe bring new vexations to her, and new trials and new glories to her Washington.

Vigilant and faithful, he hears the tempest roar from afar, warns her of its approach, and prepares for averting its dangers. Black are the heavens, and angry the billows, and narrow and perilous the passage. But his composure, dignity, and firmness are equal to the peril. Unseduced by fraud, unterrified by threat, unawed by clamor, he holds on his steady way, and again he saves his country. With less decision on the part of Washington, a generous but mistaken ardor would have plunged her into the whirlpool and left her till this hour the sport of the contending elements.

Americans! bow to that magnanimous policy which protected your dearest interests at the hazard of incurring your displeasure. It was thus that Washington proved himself, not in the cant of the day, but in the procurement of substantial good, in stepping between them and perdition, the servant of the people.

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The historian of this period will have to record a revolt, raised by infatuation, against the law of the land.[1] He will have to record the necessity which compelled even Washington to suppress it by the sword. But he will have to record also his gentleness and his lenity. Deeds of severity were his sad tribute to justice: deeds of humanity the native suggestions of his heart.

Eight years of glorious administration created a claim on the indulgence of his country which none could think of disputing, but which all lamented should be urged. The ends which rendered his services indispensable being mostly attained, he demands his restoration to private life. Resigning, to an able successor, the reins which he had guided with characteristic felicity, he once more bids adieu to public honors. Let not his motives be mistaken or forgotten. It was for him to set as great examples in the relinquishment as in the acceptance of power. No mortified ambition, no haughty disgusts, no expectation of higher office, prompted his retreat.

He knew that foreign nations considered his life as the bond, and his influence as the vital spirit of our union. He knew that his own lustre threw a shade over others not more injurious to them than to his country. He wished to dispel the enchantment of his own name: he wished to relieve the apprehensions of America by making her sensible of her riches in other patriots; to be a spectator of her prosperity under their management; and to convince herself, and to convince the world, that she depended less on him than either her enemies or her friends believed. And therefore he withdrew.

Having lavished all her honors, his country had nothing

[1] The insurrection in Pennsylvania in 1794.

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more to bestow upon him except her blessing. But he had more to bestow upon his country. His views and his advice, the condensed wisdom of all his reflection, observation, and experience, he delivers to his compatriots in a manual worthy of them to study and of him to compose. And now, when they could hope to enjoy only the satisfaction of still possessing him, the pleasure of recounting his acts, and the benefit of practising his lessons, they accompany his retirement with their aspirations that his evening may be as serene as his morning had been fair and his noon resplendent.

That he should ever again endure the solicitudes of office was rather to be deprecated than desired, because it must be a crisis singularly portentous which could justify another invasion of his repose. From such a necessity we fondly promised ourselves exemption. Flattering, fallacious security! The sudden whirlwind springs out of a calm. The revolutions of a day proclaim that an empire was. However remote the position of America; however peaceful her character; however cautious and equitable her policy; she was not to go unmolested by the gigantic fiend of Gallic domination. That she was free and happy was crime and provocation enough. He fastened on her his murderous eye: he was preparing for her that deadly embrace in which nations, supine and credulous, had already perished. Reduced to the alternative of swelling the catalogue of his victims or arguing her cause with the bayonet and the ball, she bursts the ill-fated bonds which had linked her to his destinies and assumes the tone and attitude of defiance. The gauntlet is thrown. To advance is perilous: to retreat, destruction. She looks wistfully round, and calls for Washington.

The well-known voice, that voice which he had ever accounted a law, pierces the retreats of Vernon, and thrills his

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bosom. Domestic enjoyments lose their charm; repose becomes to him inglorious; every sacrifice is cheap, and every exertion easy, when his beloved country requires his aid. With all the alacrity of youth, he flies to her succor. The helmet of war presses his silver locks. His sword, which dishonor had never tarnished or corruption poisoned, he once more unsheaths, and prepares to receive on its point the insolence of that foe whose intrigue he had foiled by his wisdom.

It must ever be difficult to compare the merits of Washington's characters, because he always appeared greatest in that which he last sustained. Yet, if there is a preference, it must be assigned to the lieutenant-general of the armies of America. Not because the duties of that station were more arduous than those which he had often performed, but because it more fully displayed his magnanimity. While others become great by elevation, Washington becomes greater by condescension.

Matchless patriot! to stoop, on public motives, to an inferior appointment after possessing and dignifying the highest offices! Thrice favored country, which boasts of such a citizen! We gaze with astonishment: we exult that we are Americans. We augur everything great, and good, and happy. But whence this sudden horror? What means that cry of agony? Oh! 'tis the shriek of America! The fairy vision is fled: Washington is—no more!

"How are the mighty fallen, and the weapons of war perished!"

Daughters of America, who erst prepared the festal bower and the laurel wreath, plant now the cypress grove and water it with tears.

"How are the mighty fallen, and the weapons of war perished!"

The death of Washington, Americans, has revealed the

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extent of our loss. It has given us the final proof that we never mistook him. Take his affecting testament and read the secrets of his soul. Read all the power of domestic virtue. Read his strong love of letters and of liberty. Read his fidelity to republican principle and his jealousy of national character. Read his devotedness to you in his military bequests to near relations. "These swords," they are the words of Washington, "these swords are accompanied with an injunction not to unsheath them for the purpose of shedding of blood, except it be for self-defence, or in defence of their country and its rights; and in the latter case to keep them unsheathed and prefer falling with them in their hands to the relinquishment thereof."

In his acts, Americans, you have seen the man. In the complicated excellence of character he stands alone. Let no future Plutarch attempt the iniquity of parallel. Let no soldier of fortune, let no usurping conqueror, let not Alexander or Cæsar, let not Cromwell or Bonaparte, let none among the dead or the living, appear in the same picture with Washington, or let them appear as the shade to his light.

On this subject, my countrymen, it is for others to speculate, but it is for us to feel. Yet in proportion to the severity of the stroke ought to be our thankfulness that it was not inflicted sooner. Through a long series of years has God preserved our Washington a public blessing: and now that he has removed him forever shall we presume to say, What doest thou? Never did the tomb preach more powerfully the dependence of all things on the will of the Most High. The greatest of mortals crumble into dust the moment he commands, Return, ye children of men. Washington was but the instrument of a benignant God. He sickens, he dies, that we may learn not to trust in men nor to make flesh our arm.

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But though Washington is dead Jehovah lives. God of our fathers! be our God, and the God of our children! Thou art our refuge and our hope, the pillar of our strength, the wall of our defence, and our unfading glory!

Americans! this God who raised up Washington and gave you liberty exacts from you the duty of cherishing it with a zeal according to knowledge. Never sully, by apathy or by outrage, your fair inheritance. Risk not, for one moment, on visionary theories, the solid blessings of your lot. To you, particularly, O youth of America! applies the solemn charge. In all the perils of your country remember Washington. The freedom of reason and of right has been handed down to you on the point of the hero's sword. Guard with veneration the sacred deposit. The curse of ages will rest upon you, O youth of America! if ever you surrender to foreign ambition or domestic lawlessness the precious liberties for which Washington fought and your fathers bled.

I cannot part with you, fellow citizens, without urging the long remembrance of our present assembly. This day we wipe away the reproach of republics, that they know not how to be grateful. In your treatment of living patriots recall your love and your regret of Washington. Let not future inconsistency charge this day with hypocrisy. Happy America, if she gives an instance of universal principle in her sorrows for the man "first in war, first in peace, and first in the hearts of his countrymen!"

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BURGES

TRISTAM BURGES, an American orator and jurist, was born in Rochester, Massachusetts, February 26, 1770. He was educated at Brown University and after studying law was admitted to the Rhode Island bar in 1799 and speedily rose to high rank in his profession. His strong Federalist views carried him into the Rhode Island legislature in 1811. In 1815 he was appointed chief justice of the Rhode Island supreme court, and from 1815 to 1825 he held the chair of oratory and belles lettres in Brown University. In the last-named year he was elected to Congress and served continuously there until 1835. His most famous speech was delivered in reply to John Randolph, who had applied the classic phrase, "*Delenda est Carthago*," to New England. Burges's scathing, indignant oratory, abounding in the sharpest sarcasm, was too much for Randolph to endure, and he left the hall of the Representatives hurriedly and never spoke there afterward. Burges, after an unsuccessful endeavor for the governorship of Rhode Island in 1836, resumed his professional practice and died in Providence, October 13, 1853. He published various orations and speeches, "The Battle of Lake Erie" (1839), and several poems.

REBUKE TO RANDOLPH

[A subject was now under discussion, of vital importance to the Union — the tariff. Mr. Burges having observed, in the course of an argument on the amendment to the bill then under consideration, that there was a disposition among some gentlemen to support British interests, in preference to American, Mr. Randolph rose and interrupted him, saying, "This hatred of aliens, sir, is the undecayed spirit which called forth the proposition to enact the Alien and Sedition Law: I advise the gentleman from Rhode Island to move a re-enactment of those laws, to prevent the impudent foreigner from rivalling the American seller. New England,— what is she? Sir, do you remember that appropriate exclamation,— '*Delenda est Carthago!*'"]

DOES the gentleman mean to say, sir, New England must be destroyed? If so, I will remind him that the fall of Carthage was the precursor of the fall of Rome. Permit me to suggest to him to carry out the parallel. Further, sir, I wish it to be distinctly understood that I am not bound by any rules to argue against Bedlam, but when I hear anything rational in the hallucinations of the gentleman I will answer them.

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[The Speaker interposed, and Mr. Burges resumed his seat, saying, "Perhaps it is better, sir, that I should not go on." The next day he continued his speech on the proposed amendment. He embraced this opportunity to refute the assertion made by Mr. Randolph a few days previous in his remarks on the same subject.]

This attempt to destroy all, yes, all protection of New England labor, skill, and capital, has, by the gentleman from Virginia [Mr. Randolph], being justified by a public declaration made by him, in his place on this floor, that the whole capital of New England originated in a robbery; a robbery committed more than forty years ago, and committed, too, on the officers and soldiers of the revolutionary army. If it were a fact, what punishment is due to those who perpetrated the felony? If by force, the gallows; if by fraud, the loss of ears, and the pillory. If it be not true, what is merited by him who has, knowing all the truth, made the accusation? The punishment, sir, he merits, which would have alighted on him in that community where it was first enacted: "Thou shalt not bear false witness against thy neighbor." What was that? *Lex talionis*, "an eye for an eye." He who would, by false accusation, peril the life or limb of another, did thereby place his own life and limbs in the same jeopardy. Let judgment pass to another audit.

> "Nor what to oblivion better were resigned,
> Be hung on high to poison half mankind."

In the Revolutionary war all who were Whigs and patriots, all who were not Tories and enemies to their country, contended for the independence of the United States, and united their whole means in the public service. When the war was finished, balances were due, some more, some less, to the several States. Balances were also due to many individuals who had furnished supplies. To the army a debt of gratitude

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was due which the world has not wealth enough to pay, and the United States owed them, moreover, a great amount of arrears of pay, for subsistence, and for depreciation of that currency in which they had for several years of the war received their wages. To all the soldiers who had continued in service from 1780 until the army was disbanded, a bounty was due; and all the officers who had served from the same date until the same period were entitled to receive half the amount of their monthly pay during the whole term of their natural lives.

In lieu of this half pay, Congress, after the close of the war, promised to pay all such officers five years' full pay in hand, in money or security, bearing a yearly interest of six per cent. So soon as it could be effected, all those several creditors received from the United States, by officers for that purpose by Congress appointed, certain certificates of the several sums due to each individual creditor. These certificates were issued, in the different States, to the creditors of the United States, belonging to such States; and were payable to the person or States to whom the same were due; or to bearer, on demand, with interest. These certificates were the evidences of the amount of the domestic debt of the United States to each of the States and to each individual in such States. They drew interest by their tenor, and were payable on demand to whomsoever might be the bearer of them. They were, and were intended to be, a circulating medium. Had the United States been in funds for the payment of them, or of the interest, the medium would, in the absence of gold and silver, as was then the condition of the United States, have been equal to that currency. It would have been equal to the present United States bank paper, or to the United States stocks. The nation was without funds and then

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utterly insolvent. This medium, like the emissions of Continental paper bills, fell much below par.

It nevertheless continued to circulate, and was, as Continental bills had been before they become of no value, a medium of exchange. Men went to market with it, as with other paper bills with which they had been accustomed to go to market. The medium had a market value, as well known, though much below it, as the market value of silver and gold. Like the old Continental or the treasury notes of the last war, or the bank paper, at that period, of all the banks in the country, excepting New England, it passed from hand to hand by delivery: being payable to bearer, no written transfer was required, and, the market value being generally known, every person who passed it away, and every man who received it, knew at what price it was so passed, and governed himself accordingly. If one man owed for goods received, or wished to purchase goods at the market, to the amount of one hundred dollars, and these certificates, then a circulating medium, were at fifty cents for a dollar, he sent two hundred dollars to his creditor or to the market. If they were at twenty-five cents he sent four hundred dollars; if at twelve and a half cents, eight hundred dollars.

This, sir, constituted the greatest part of the buying and selling done in the market. What color had the gentleman to call such a transaction robbery? Was it less fair and honest than dealing in any other medium?—in Continental bills, while they were current?—in treasury notes, twenty per cent below par, as they were in the last war?—in the depreciated paper of any established—legally established—bank? Are not all of this description of paper subjected to this difficulty at different distances from the office of discount and payment?

Why, the whole paper medium of the world is at a discount

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at any commercially calculated distance from the place of payment, unless prevented by the accidents of trade. When I am at Providence, is not a note, bill, or bond of any stock payable in Providence worth more to me than if payable at Boston, or New York, or Philadelphia, or Baltimore, unless I want money at either of these cities? This, sir, creates an exchange, and puts all the paper credit at a discount or a premium in the whole commercial world. Is it a felony to deal in it, because depreciated or appreciated? No: not, sir, if you pay the market value for it.

These two circumstances, distance of the place of payment, and the uncertainty of the solvency of the debtor,—the one or the other, and often both,—place all that part of the circulating medium of the world at some rate of discount, and render almost all exchanges a kind of barter, to be managed by a price current, and not by a money transaction. Even gold and silver vary in exchangeable value, and it is only the minor operations of trade which are governed by entire reference to the standard value of coin, either gold or silver. These two solid mediums have an exchange, one against the other, and, in all great transactions, must be governed, not by the laws of the mint, but by those of commerce, bargain, and convention.

What medium, then, shall be use? What shall be done by the gentleman too pure to deal in any depreciating medium? What shall be done when his hard-money system utterly, in principle, fails him? Turn anchorite. Deal only in bacon, beans, and tobacco. Here, too, the curse of commerce will meet him; and the want of an eternal standard value, by the changing market value of his glorious staples, will leave him to the necessary bargaining and higgling of trade, like any mere honest man of this world.

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Is it robbery, sir, is it robbery, to deal in anything depreciated in market value below its original cost? May we not buy that to-day which cost less than it would yesterday? Then, sir, whatever falls in price must forever remain unsold, unused, unransomed, and perish on the hands of the first producer. The pressure of want must never recall retiring demand by a diminution of price; but all who did not, because they could not, sell at the top of the market, must never sell at any other grade; and all who did not buy, because they could not, at the most costly price, are condemned to perish for want of goods which are perishing for want of purchasers. This, then, is the hard-money government of the gentleman from Virginia.

The revolutionary soldiers passed off their certificates at the market because they had no other means of purchase; and those in New England who had bread, meat, drink, and clothing received these certificates at the market value because they could get no better medium for payment. These certificates found the readiest market and the best price among those people who had most regard for their country and most confidence in public faith and public justice. Men who knew that the United States were insolvent, as all did, and believed them to be knaves, as some did, would not touch a certificate sooner than a Continental dollar, worth then not one cent. Men who were patriots, and honest themselves, and had the best reason (a good conscience of their own) to think other men so, would not leave the soldier to perish because he had nothing to pay for his bread but the proof of his services, and the plighted faith of a nation of patriots and heroes. Was this, sir, robbery?—felony against the valor which, steeped in blood, had won this country?

Then, sir, the purest deeds are profligacy, things sacred are

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profane, and demons shall riot in the spoils of redemption. It is true the disbanded army received nowhere relief so readily as in New England. Virginia, as the gentleman says, did not receive their depreciated money. Not because Virginia had not other paper money to give for it. That the soldiers did not want. All paper money was alike to them. They had been ruined by it. Their own certificates—the price of their scars and unclosed wounds—were in their hands,—the best paper money then in circulation. They wanted bread. Virginia was then the land of corn; the very Egypt of the United States. They did not buy. They chose to keep their wheat in their storehouses rather than put soldiers' depreciated certificates, a kind of old Continental money, as they said, in their pockets. With Washington, like the pious patriarch preaching righteousness to antediluvian sinners, even with him preaching patriotism and public faith, they would not believe —not barter bread and relieve hunger—no, not of a soldier—for any such consideration.

When this government was established; when this nation redeemed their high pledges by funding and providing for that medium which patriots alone had with that hope received, or patriotic soldiers who were able to do so had retained, then public justice did—as future mercy will do—reward all who, with faith in her high integrity, had fed the hungry and clothed the naked.

Here is the deep fountain of the gentleman's abounding anathema against New England. They began the Revolution; they relieved the army who conquered the colonies from the European nation, and gave the American people their independence; they received from this government, by the funding system, the recompense of their patriotism and public confidence. These are injuries too high to be forgiven

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by one who has no goods but others' ills — no evils but others' goods.

"This government," says the gentleman, "was by the constitution made a hard-money government because that constitution gave them the power to 'coin money.'"

New England has made it a paper-money, cotton-spinning government. New England, sir, although not entitled to the honor of having introduced the banking system, is yet entitled to the credit of never having departed from the principles of that system by refusing to redeem her bills with silver or gold. The government, by establishing the funding system, established the great banking principle in the
12 country. All these sons of Mammon, who look on gold and silver as the only true riches, will regard as the enemies of all righteousness all those prudent statesmen who consider money as merely the great circulating machine in the production of their country. It therefore becomes highly important to furnish so necessary and costly a machine at the least practicable expenditure of labor and capital.

Every nation must be supplied with this circulating medium in amount equal, and somewhat more than equal, to all its exchanges necessarily to be made at any one given time. The same medium, or part of the whole, may operate different exchanges at different times: but there must at all times be in the nation an amount equal to the amount of exchanges in operation at any one and the same time. This medium may be all money, or what the laws have adjudged to be as money.

It, however, in all trading nations, or, which is the same thing, in all rich nations, does consist of several other parts. All the stocks representing national debts are one part of this medium. All the stocks representing the debts and capital

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of all incorporated companies are a second part. All the paper representing all the debts of individuals and unincorporated trading companies is a third part of this medium of circulation. The whole money, or what by law is adjudged to be as money, makes up the fourth and last part of this great machine of circulation, sustaining and keeping in full work all the money production of any country. This money was anciently, in most nations, gold and silver. The modern invention of banking is thought to be an improvement.

If the money circulating medium of this nation be, as probably it is, $50,000,000, the cost of furnishing that amount must be equal to that sum. The yearly cost must be whatever the market interest may be in the whole country. To this must be added the amount yearly consumed by the wear of all the metallic pieces, whether gold, silver, or copper, of which such money is fabricated. This may be three per cent. The very great cost of transporting such a weight of money to make all the ready exchanges of the immense trade of our country cannot readily be appreciated or even conceived by men accustomed to the accommodation of bank bills for all such exchanges. Six per cent per annum would not be a high charge for this cost. The whole expense would be, per annum, fifteen per cent at the least, and in the whole amount, $7,500,000.

If the banking system be, as it is, substituted for this hard-money circulation, what will be saved? The whole success depends on one principle. If men receive bank bills because they believe they may, whenever they call for it, at the bank, receive, for such bills, their amount in silver or gold, they will never go for such exchange until they want the silver and gold for some purpose for which the bank bills cannot be used. How often this may be cannot, *a priori*, be stated.

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Experience has solved the question. It has been found that not more than one dollar in eight will usually be wanted for any such purpose. If, therefore, an amount, in gold and silver, equal to the one-eighth part of the circulating money medium be kept in the vaults of banks, it will answer all calls for specie in exchange for bank bills. With a money circulating medium in your country equal to $50,000,000, you must keep in your vaults $6,250,000 in silver and gold. The yearly interest of this, at six per cent, is $373,000.

If your banking houses and all other implements of trade cost a like sum per annum, or $373,000; then the whole cost, annually, of your money medium, will be $746,000. The whole saving to the nation equals $6,754,000. That is the hard-money government of the gentleman from Virginia, sustained by the tobacco-planting and slave-labored culture of Roanoke. This the banking and cotton-spinning government of New England, sustained by the free-labored corn and wool culture, and the manufacturing skill of the North, the West, and the East.

Which is most productive of national wealth, comfort, and independence has been abundantly demonstrated; that each is equally honest and constitutional no man who ever looked into the world, or up toward heaven, or into his own heart,—the gentleman alone, always excepted,—will have any cause ever to doubt.

One objection more made by the gentleman to banking, and I leave him to his own mercy. He has charged the banks in New England with the whole moral guilt of him who lately, by fraud and peculation, possessed himself of the funds of a certain bank in Virginia. He has quoted the great canon of the Redeemer, "Lead us not into temptation."

Thus stands his argument: had not New England invented

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and brought into use the banking system, this Virginia bank would never have existed; and therefore his friend the cashier would not have been trusted, or tempted, or have transgressed.

The gentleman from Virginia [Mr. Randolph], seems to have—and what can be more natural—a great sympathy for all but honest men. Sir, had God never given thee aught that is thine own, he need never have said unto thee, "Thou shalt not covet aught that is thy neighbor's." The gentleman has discovered a new mode of preventing crimes: destroy all property, and you lay the axe to the very root of all transgression. Not so, robbery, defrauded of his spoil, and changed to hungry, lean, gaunt murder, would still plunder, for blood, when nothing else was left to be plundered.

To justify the Virginia cashier, the gentleman lays the sin at the door of New England. They tempted, and but for this temptation he had now been a pure, prosperous, and high-minded gentleman. This apology is not new in any other respect than in its application. He must have drawn it from a book written in the second century by a Jewish rabbi who calls himself Ben Mammon. The title of this labored work is, "An Apology for Iscariot." The whole argument may be thus shortly stated. "The Nazarenes," says this Hebrew doctor, "accuse this man, Iscariot, without cause. Nay, they themselves were the authors of their own calamity. Jesus himself made Iscariot the purser of the whole family, and, by putting money into his hands, tempted and seduced him into avarice and covetousness. If this had not been done, this much-injured man never would have delivered up his master to the high priest or sold him for thirty pieces of silver."

"It is also manifest," continues the rabbi, "that had the

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Nazarene continued at home, where he ought to have continued, and in his carpenter's shop, and at his own trade, he never would have appointed Iscariot for his purser, nor ever have been betrayed by him.

"Iscariot was therefore a just man, and has been grossly libelled by Matthew the publican, who wrote the story. The guilt of this man's blood, who hanged himself, and of the innocent blood, as he says, of his master, is on the head of Jesus himself, the founder of the Christian sect."

Thus, sir, Ben Mammon justified Iscariot and blasphemed Jesus; and thus, too, the gentleman from Virginia justifies his honest friend, the cashier; and calumniates the whole labor, capital, morals, and piety of New England; and thus, too, *mutatis mutandis*, would he have placed a diadem on the murderous temples of Barrabas and planted a crown of thorns on the head of him who redeemed the world.

Whence all this abuse of New England, this misrepresentation of the North and the West? It is, sir, because they, and all the patriots in the nation, would pursue a policy calculated to secure and perpetuate the national independence of Great Britain. It is because they are opposed by another policy, which, by its entire, and by every part of its operation, will inevitably bring the American people into a condition of dependence on Great Britain less profitable and not more to our honor than the condition of colonies.

I cannot, I would not look into the secrets of men's hearts; but the nation will examine the nature and tendencies of the American and the anti-American systems; and they can understand the arguments offered in support of each plan of national policy; and they, too, can read and will understand the histories of all public men and of those two systems of national policy. Do we, as it has been insinuated, support the

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American policy in wrong and for the injury and damage of Old England? I do not; those with whom I have the honor to act do not pursue this course. No, sir,

> "Not that I love England less,
> But that I love my country more."

Who, sir, would wrong; who would reduce the wealth, the power of England? Who, without a glorious national pride, can look to that as to our mother country? It is the land of comfort, accommodation, and wealth; of science and literature; song, sentiment, heroic valor, and deep, various, political philosophy. Who is not proud that our fathers were the compeers of Wolfe; that Burke and Chatham spoke our mother tongue? Who does not look for the most prosperous eras in the world when English blood shall warm the human bosom over the habitable breadth of every zone: when English literature shall come under the eye of the whole world: English intellectual wealth enrich every clime; and the manners, morals, and religion of us and our parent country spread civilization under the whole star-lighted heaven; and, in the very language of our deliberations, the hallowed voice of daily prayer shall arise to God throughout every longitude of the sun's whole race.

I would follow the course of ordinary experience; render the child independent of the parent; and from the resources of his own industry, skill, and prudence, rich, influential, and powerful among nations. Then, if the period of age and infirmity shall,—as God send it may never,—but if it shall come, then, sir, the venerated parent shall find shelter behind the strong right hand of her powerful descendant. . . .

The policy of the gentleman from Virginia calls him to a course of legislation resulting in the entire destruction of

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one part of this Union. Oppress New England until she shall be compelled to remove her manufacturing labor and capital to the regions of iron, wool, and grain; and nearer to those of rice and cotton. Oppress New England until she shall be compelled to remove her commercial labor and capital to New York, Norfolk, Charleston, and Savannah.

Finally, oppress that proscribed region until she shall be compelled to remove her agricultural labor and capital — her agricultural capital? No, she cannot remove that. Oppress and compel her, nevertheless, to remove her agricultural labor to the far-off west; and there people the savage valley and cultivate the deep wilderness of the Oregon. She must, indeed, leave her agricultural capital; her peopled fields; her hills with culture carried to their tops; her broad, deep bays; her wide, transparent lakes, long, winding rivers, and many waterfalls; her delightful villages, flourishing towns, and wealthy cities. She must leave this land, bought by the treasure, subdued by the toil, defended by the valor of men, vigorous, athletic, and intrepid; men, god-like in all making man resemble the moral image of his Maker; a land endeared, oh! how deeply endeared, because shared with women pure as the snows of their native mountains; bright, lofty, and overawing as the clear, circumambient heavens, over their heads; and yet lovely as the fresh opening bosom of their own blushing and blooming June.

"Mine own romantic country," must we leave thee? Beautiful patrimony of the wise and good; enriched from the economy and ornamented by the labor and perseverance of two hundred years! Must we leave thee, venerable heritage of ancient justice and pristine faith? And, God of our fathers! must we leave thee to the demagogues who have deceived and traitorously sold us? We must leave thee to them, and

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to the remnants of the Penobscots, the Pequods, the Mohicans, and Narragansetts; that they may lure back the far-retired bear from the distant forest, again to inhabit in the young wilderness, growing up in our flourishing cornfields and rich meadows, and spreading, with briers and brambles, over our most "pleasant places."

All this shall come to pass, to the intent that New England may again become a lair for wild beasts and a hunting-ground for savages. The graves of our parents will be polluted, and the place made holy by the first footsteps of our Pilgrim forefathers become profaned by the midnight orgies of barbarous incantation. The evening wolf shall again howl on our hills, and the echo of his yell mingle once more with the sound of our waterfalls. The sanctuaries of God shall be made desolate. Where now a whole people congregate in thanksgiving for the benefactions of time, and in humble supplication for the mercies of eternity, there those very houses shall then be left without a tenant. The owl, at noon-day, may roost on the high altar of devotion, and the "fox look out at the window" on the utter solitude of a New England Sabbath.

New England shall indeed, under this proscribing policy, be what Switzerland was under that of France. New England, which, like Switzerland, is the eagle-nest of freedom; New England, where, as in Switzerland, the cradle of infant liberty "was rocked by whirlwinds in their rage;" New England shall, as Switzerland was, in truth be "the immolated victim where nothing but the skin remains unconsumed by the sacrifice;" New England, as Switzerland had, shall have "nothing left but her rocks, her ruins, and her demagogues."

The mind, sir, capable of conceiving a project of mischief

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so gigantic must have been early schooled and deeply imbued with all the great principles of moral evil.

What, then, sir, shall we say of a spirit regarding this event as a "consummation devoutly to be wished?"—a spirit without one attribute or one hope of the pure in heart; a spirit which begins and ends everything, not with prayer, but with imprecation; a spirit which blots from the great canon of petition, "Give us this day our daily bread;" that, foregoing bodily nutriment, he may attain to a higher relish for that unmingled food, prepared and served up to a soul "hungering and thirsting after wickedness;" a spirit which, at every rising sun, exclaims, "*Hodie! hodie! Carthago delenda!*" "To-day, to-day! let New England be destroyed!"

Sir, divine Providence takes care of his own universe. Moral monsters cannot propagate. Impotent of everything but malevolence of purpose, they can no otherwise multiply miseries than by blaspheming all that is pure, and prosperous, and happy. Could demon propagate demon, the universe might become a pandemonium; but I rejoice that the Father of Lies can never become the father of liars. One "adversary of God and man" is enough for one universe. Too much! Oh! how much too much for one nation.

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CANNING

GEORGE CANNING, a distinguished English orator and politician, was born in London, April 11, 1770, and received his university training at Christ Church College, Oxford. He entered Parliament in 1774 as a member for Newport and a supporter of Pitt, receiving from the latter a position as under-secretary of state two years later. To the "Anti-Jacobin," a series of brilliant and witty political satires issued from 1799 to 1801, he with Ellis, Pitt, and others contributed; his best remembered contributions being "The Needy Knife-Grinder" and "The University of Göttingen," which survive in numberless reading-books and anthologies. In Pitt's last cabinet Canning was secretary of the navy, and during the Portland ministry he was secretary of foreign affairs. While member for Liverpool in the House of Commons in 1812 he spoke in behalf of Catholic emancipation, by this time inclining more towards liberal political principles, and four years later presided over the board of control. Canning succeeded Lord Castlereagh in 1822 as secretary of foreign affairs and at that time infused some liberal spirit into Lord Liverpool's cabinet. He died at Chiswick, August 8, 1827. After the death of Fox, Canning was the foremost speaker in the House of Commons, but his elaborate rhetorical eloquence appears to have given many of his hearers an impression of his insincerity. This impression, however, on the testimony of those who know him best, seems to have been erroneous. His poems were published in 1827, and his speeches, edited by Thierry, in six volumes, appeared in 1828.

ON AFFORDING AID TO PORTUGAL

[England had been for nearly two centuries the ally and protector of Portugal and was bound to defend her when attacked.

In 1826 a body of absolutists, headed by the Queen Dowager and the Marquess of Chaves, attempted to destroy the existing Portuguese government, which had been founded on the basis of constitutional liberty. This government had been acknowledged by England, France, Austria, and Russia. It was, however, obnoxious to Ferdinand, King of Spain; and Portugal was invaded from the Spanish territory by large bodies of Portuguese absolutists, who had been there organized with the connivance, if not the direct aid, of the Spanish government.

The Portuguese government now demanded the assistance of England. Five thousand troops were therefore instantly ordered to Lisbon, and Mr. Canning came forward in this speech to explain the reasons of his prompt intervention. This speech, delivered in the House of Commons December 12, 1826, is considered the masterpiece of his eloquence.]

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MR. SPEAKER,— In proposing to the House of Commons to acknowledge, by an humble and dutiful address, his Majesty's most gracious message, and to reply to it in terms which will be, in effect, an echo of the sentiments and a fulfillment of the anticipations of that message, I feel that, however confident I may be in the justice, and however clear as to the policy, of the measures therein announced, it becomes me, as a British minister recommending to Parliament any step which may approximate this country even to the hazard of a war, while I explain the grounds of that proposal, to accompany my explanation with expressions of regret.

I can assure the House that there is not within its walls any set of men more deeply convinced than his Majesty's ministers — nor any individual more intimately persuaded than he who has now the honor of addressing you — of the vital importance of the continuance of peace to this country and to the world.

So strongly am I impressed with this opinion — and for reasons of which I will put the House more fully in possession before I sit down — that I declare there is no question of doubtful or controverted policy — no opportunity of present national advantage — no precaution against remote difficulty — which I would not glady compromise, pass over, or adjourn, rather than call on Parliament to sanction, at this moment, any measure which had a tendency to involve the country in war.

But at the same time, sir, I feel that which has been felt, in the best times of English history, by the best statesmen of this country, and by the Parliaments by whom those statesmen were supported — I feel that there are two causes, and but two causes, which cannot be either compromised, passed over,

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or adjourned. These causes are, adherence to the national faith and regard for the national honor.

Sir, if I did not consider both these causes as involved in the proposition which I have this day to make to you, I should not address the House, as I now do, in the full and entire confidence that the gracious communication of his Majesty will be met by the House with the concurrence of which his Majesty has declared his expectation.

In order to bring the matter which I have to submit to you under the cognizance of the House in the shortest and clearest manner, I beg leave to state it, in the first instance, divested of any collateral considerations. It is a case of law and of fact: of national law on the one hand, and of notorious fact on the other; such as it must be, in my opinion, as impossible for Parliament as it was for the government to regard in any but one light, or to come to any but one conclusion upon it.

Among the alliances by which, at different periods of our history, this country has been connected with the other nations of Europe, none is so ancient in origin and so precise in obligation — none has continued so long and been observed so faithfully — of none is the memory so intimately interwoven with the most brilliant records of our triumphs, as that by which Great Britain is connected with Portugal.

It dates back to distant centuries; it has survived an endless variety of fortunes. Anterior in existence to the accession of the house of Braganza to the throne of Portugal, it derived, however, fresh vigor from that event; and never, from that epoch to the present hour, has the independent monarchy of Portugal ceased to be nurtured by the friendship of Great Britain.

This alliance has never been seriously interrupted; but it

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has been renewed by repeated sanctions. It has been maintained under difficulties by which the fidelity of other alliances were shaken, and has been vindicated in fields of blood and of glory.

That the alliance with Portugal has been always unqualifiedly advantageous to this country—that it has not been sometimes inconvenient and sometimes burdensome — I am not bound or prepared to maintain. But no British statesman, so far as I know, has ever suggested the expediency of shaking it off; and it is assuredly not at a moment of need that honor and what I may be allowed to call national sympathy would permit us to weigh with an over-scrupulous exactness the amount of difficulties and dangers attendant upon its faithful and steadfast observance. What feelings of national honor would forbid is forbidden alike by the plain dictates of national faith.

It is not at distant periods of history and in bygone ages only that the traces of the union between Great Britain and Portugal are to be found. In the last compact of modern Europe, the compact which forms the basis of its present international law — I mean the treaty of Vienna of 1815 — this country, with its eyes open to the possible inconveniences of the connection, but with a memory awake to its past benefits, solemnly renewed the previously existing obligations of alliance and amity with Portugal. I will take leave to read to the House the third article of the treaty concluded at Vienna, in 1815, between Great Britain on the one hand, and Portugal on the other. It is couched in the following terms:

"The treaty of alliance, concluded at Rio de Janeiro, on the 19th of February, 1810, being founded on circumstances of a temporary nature which have happily ceased to exist, the said treaty is hereby declared to be void in all its parts, and of

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no effect; without prejudice, however, to the ancient treaties of alliance, friendship, and guarantee, which have so long and so happily subsisted between the two Crowns, and which are hereby renewed by the high contracting parties and acknowledged to be of full force and effect."

In order to appreciate the force of this stipulation — recent in point of time, recent, also, in the sanction of Parliament — the House will perhaps allow me to explain shortly the circumstances in reference to which it was contracted.

In the year 1807, when, upon the declaration of Bonaparte that the house Braganza had ceased to reign, the King of Portugal, by the advice of Great Britain, was induced to set sail for the Brazils; almost at the very moment of his most faithful Majesty's embarkation, a secret convention was signed between his Majesty and the King of Portugal, stipulating that, in the event of his most faithful Majesty's establishing the seat of his government in Brazil, Great Britain would never acknowledge any other dynasty than that of the house of Braganza on the throne of Portugal.

That convention, I say, was contemporaneous with the migration to the Brazils; a step of great importance at the time, as removing from the grasp of Bonaparte the sovereign family of Braganza. Afterward, in the year 1810, when the seat of the King of Portugal's government was established at Rio de Janeiro, and when it seemed probable, in the then apparently hopeless condition of the affairs of Europe, that it was likely long to continue there, the secret convention of 1807, of which the main object was accomplished by the fact of the emigration to Brazil, was abrogated, and a new and public treaty was concluded, into which was transferred the stipulation of 1807, binding Great Britain, so long as his faithful Majesty should be compelled to reside in Brazil, not

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to acknowledge any other sovereign of Portugal than a member of the house of Braganza. That stipulation, which had hitherto been secret, thus became patent, and part of the known law of nations.

In the year 1814, in consequence of the happy conclusion of the war, the option was afforded to the King of Portugal of returning to his European dominions. It was then felt that, as the necessity of his most faithful Majesty's absence from Portugal had ceased, the ground for the obligation originally contracted in the secret convention of 1807, and afterward transferred to the patent treaty of 1810, was removed. The treaty of 1810 was therefore annulled at the Congress of Vienna, and, in lieu of the stipulation not to acknowledge any other sovereign of Portugal than a member of the house of Braganza, was substituted that which I have just read to the House.

Annulling the treaty of 1810, the treaty of Vienna renews and confirms (as the House will have seen) all former treaties between Great Britain and Portugal, describing them as "ancient treaties of alliance, friendship, and guarantee;" as having "long and happily subsisted between the two Crowns;" and as being allowed, by the two high contracting parties, to remain "in full force and effect."

What, then, is the force — what is the effect of those ancient treaties? I am prepared to show to the House what it is. But before I do so I must say that if all the treaties to which this article of the treaty of Vienna refers had perished by some convulsion of nature, or had by some extraordinary accident been consigned to total oblivion, still it would be impossible not to admit, as an incontestable inference from this article of the treaty of Vienna alone, that in a moral point of view there is incumbent on Great Britain

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a decided obligation to act as the effectual defender of Portugal.

If I could not show the letter of a single antecedent stipulation I should still contend that a solemn admission, only ten years old, of the existence at that time of "treaties of alliance, friendship, and guarantee," held Great Britain to the discharge of the obligations which that very description implies. But fortunately there is no such difficulty in specifying the nature of those obligations. All of the preceding treaties exist; all of them are of easy reference, all of them are known to this country, to Spain, to every nation of the civilized world. They are so numerous, and their general result is so uniform, that it may be sufficient to select only two of them to show the nature of all.

The first to which I shall advert is the treaty of 1661, which was concluded at the time of the marriage of Charles the Second with the Infanta of Portugal. After reciting the marriage, and making over to Great Britain, in consequence of that marriage, first, a considerable sum of money, and, secondly, several important places, some of which, as Tangier, we no longer possess; but others of which, as Bombay, still belong to this country, the treaty runs thus:

"In consideration of all which grants, so much to the benefit of the King of Great Britain and his subjects in general, and of the delivery of those important places to his said Majesty and his heirs forever, etc., the King of Great Britain does profess and declare, with the consent and advice of his council, that he will take the interests of Portugal and all its dominions to heart, defending the same with his utmost power by sea and land, even as England itself."

It then proceeds to specify the succors to be sent, and the manner of sending them.

I come next to the treaty of 1703, a treaty of alliance con-

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temporaneous with the Methuen treaty, which has regulated, for upward of a century, the commercial relations of the two countries. The treaty of 1703 was a tripartite engagement between the States-General of Holland, England, and Portugal. The second article of that treaty sets forth that—

"If ever it shall happen that the Kings of Spain and France, either the present or the future, that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war upon the kingdom of Portugal, either on the continent of Europe or on its dominions beyond the seas; her Majesty the Queen of Great Britain, and the lords the States-General, shall use their friendly offices with the said Kings, or either of them, in order to persuade them to observe the terms of peace toward Portugal, and not to make war upon it."

The third article declares—

"That in the event of these good offices not proving successful, but altogether ineffectual, so that war should be made by the aforesaid Kings, or by either of them, upon Portugal, the above-mentioned powers of Great Britain and Holland shall make war with all their force upon the aforesaid Kings or King who shall carry hostile arms into Portugal; and toward that war which shall be carried on in Europe they shall supply twelve thousand men, whom they shall arm and pay, as well when in quarters as in action; and the said high allies shall be obliged to keep that number of men complete, by recruiting it from time to time at their own expense."

I am aware, indeed, that with respect to either of the treaties which I have quoted it is possible to raise a question—whether variation of circumstances or change of times may not have somewhat relaxed its obligations. The treaty of 1661, it might be said, was so loose and prodigal in the wording, it is so unreasonable, so wholly out of nature, that any one country should be expected to defend another, "even as itself;" such stipulations are of so exaggerated a character

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as to resemble effusions of feeling rather than enunciations of deliberate compact.

Again, with respect to the treaty of 1703, if the case rested on that treaty alone, a question might be raised whether or not, when one of the contracting parties — Holland — had since so changed her relations with Portugal as to consider her obligations under the treaty of 1703 as obsolete—whether or not, I say, under such circumstances, the obligation on the remaining party be not likewise void. I should not hesitate to answer both these objections in the negative.

But without entering into such a controversy it is sufficient for me to say that the time and place for taking such objections was at the Congress at Vienna. Then and there it was that if you, indeed, considered these treaties as obsolete, you ought frankly and fearlessly to have declared them to be so. But then and there, with your eyes open, and in the face of all modern Europe, you proclaimed anew the ancient treaties of alliance, friendship, and guarantee, "so long subsisting between the Crowns of Great Britain and Portugal," as still "acknowledged by Great Britain" and still "of full force and effect." It is not, however, on specific articles alone; it is not so much, perhaps, on either of these ancient treaties, taken separately, as it is on the spirit and understanding of the whole body of treaties, of which the essence is concentrated and preserved in the treaty of Vienna, that we acknowledge in Portugal a right to look to Great Britain as her ally and defender.

This, sir, being the state, morally and politically, of our obligations toward Portugal, it is obvious that when Portugal, in apprehension of the coming storm, called on Great Britain for assistance, the only hestitation on our part could be — not whether that assistance was due, supposing the occasion

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for demanding it to arise, but simply whether that occasion, in other words, whether *casus fœderis* had arisen.

I understand, indeed, that in some quarters it has been imputed to his Majesty's ministers that an extraordinary delay intervened between the taking of the determination to give assistance to Portugal and the carrying of that determination into effect. But how stands the fact? On Sunday, the third of this month, we received from the Portuguese ambassador a direct and formal demand of assistance against a hostile aggression from Spain. Our answer was, that although rumors had reached us through France his Majesty's government had not that accurate information — that official and precise intelligence of facts — on which they could properly found an application to Parliament. It was only on last Friday night that this precise information arrived. On Saturday his Majesty's confidential servants came to a decision. On Sunday that decision received the sanction of his Majesty. On Monday it was communicated to both Houses of Parliament; and this day, sir, at the hour in which I have the honor of addressing you, the troops are on their march for embarkation.

I trust, then, sir, that no unseemly delay is imputable to government. But undoubtedly, on the other hand, when the claim of Portugal for assistance, a claim clear, indeed, in justice, but at the same time fearfully spreading in its possible consequences, came before us, it was the duty of his Majesty's government to do nothing on hearsay. The eventual force of the claim was admitted; but a thorough knowledge of facts was necessary before the compliance with that claim could be granted. The government here labored under some disadvantage. The rumors which reached us through Madrid were obviously distorted, to answer partial political

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purposes; and the intelligence through the press of France, though substantially correct, was, in particulars, vague and contradictory. A measure of grave and serious moment could never be founded on such authority; nor could the ministers come down to Parliament until they had a confident assurance that the case which they had to lay before the legislature was true in all its parts.

But there was another reason which induced a necessary caution. In former instances when Portugal applied to this country for assistance the whole power of the state in Portugal was vested in the person of the monarch. The expression of his wish, the manifestation of his desire, the putting forth of his claim, was sufficient ground for immediate and decisive action on the part of Great Britain, supposing the *casus fœderis* to be made out. But, on this occasion, inquiry was in the first place to be made whether, according to the new constitution of Portugal, the call upon Great Britain was made with the consent of all the powers and authorities competent to make it, so as to carry with it an assurance of that reception in Portugal for our army which the army of a friend and ally had a right to expect. Before a British soldier should put his foot on Portuguese ground, nay, before he should leave the shores of England, it was our duty to ascertain that the step taken by the Regency of Portugal was taken with the cordial concurrence of the legislature of that country. It was but this morning that we received intelligence of the proceedings of the Chambers at Lisbon, which establishes the fact of such concurrence. This intelligence is contained in a dispatch from Sir W. A'Court, dated 29th of November, of which I will read an extract to the House:

"The day after the news arrived of the entry of the rebels into Portugal, the ministers demanded from the Chambers

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an extension of power for the executive government, and the permission to apply for foreign succors, in virtue of ancient treaties, in the event of their being deemed necessary. The deputies gave the requisite authority by acclamation; and an equally good spirit was manifested by the peers, who granted every power that the ministers could possibly require. They even went further, and, rising in a body from their seats, declared their devotion to their country, and their readiness to give their personal services, if necessary, to repel any hostile invasion. The Duke de Cadaval, president of the Chamber, was the first to make this declaration; and the minister who described this proceeding to me said it was a movement worthy of the good days of Portugal!"

I have thus incidentally disposed of the supposed imputation of delay in complying with the requisition of the Portuguese government. The main question, however, is this: Was it obligatory upon us to comply with that requisition? In other words, had the *casus fœderis* arisen? In our opinion it had. Bands of Portuguese rebels, armed, equipped, and trained in Spain, had crossed the Spanish frontier, carrying terror and devastation into their own country, and proclaiming sometimes the brother of the reigning sovereign of Portugal, sometimes a Spanish princess, and sometimes even Ferdinand of Spain, as the rightful occupant of the Portuguese throne. These rebels crossed the frontier, not at one point only, but at several points; for it is remarkable that the aggression on which the original application to Great Britain for succor was founded is not the aggression with reference to which that application has been complied with.

The attack announced by the French newspapers was on the north of Portugal, in the province of Tras-os-Montes; an official account of which has been received by his Majesty's government only this day. But on Friday an account was received of an invasion in the south of Portugal, and of the

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capture of Villa Viciosa, a town lying on the road from the southern frontier to Lisbon. This new fact established even more satisfactorily than a mere confirmation of the attack first complained of would have done, the systematic nature of the aggression of Spain against Portugal. One hostile irruption might have been made by some single corps escaping from their quarters — by some body of stragglers who might have evaded the vigilance of Spanish authorities; and one such accidental and unconnected act of violence might not have been conclusive evidence of cognizance and design on the part of those authorities: but when a series of attacks are made along the whole line of a frontier it is difficult to deny that such multiplied instances of hostility are evidence of concerted aggression.

If a single company of Spanish soldiers had crossed the frontier in hostile array, there could not, it is presumed, be a doubt as to the character of that invasion. Shall bodies of men, armed, clothed, and regimented by Spain, carry fire and sword into the bosom of her unoffending neighbor; and shall it be pretended that no attack, no invasion has taken place, because, forsooth, these outrages are committed against Portugal by men to whom Portugal had given birth and nurture? What petty quibbling would it be to say that an invasion of Portugal from Spain was not a Spanish invasion because Spain did not employ her own troops, but hired mercenaries to effect her purpose? And what difference is it, except as an aggravation, that the mercenaries in this instance were natives of Portugal.

I have already stated, and I now repeat, that it never has been the wish or the pretension of the British government to interfere in the internal concerns of the Portuguese nation. Questions of that kind the Portuguese nation must settle

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among themselves. But if we were to admit that hordes of traitorous refugees from Portugal, with Spanish arms, or arms furnished or restored to them by Spanish authorities, in their hands, might put off their country for one purpose and put it on again for another — put it off for the purpose of attack, and put it on again for the purpose of impunity — if, I say, we were to admit this juggle, and either pretend to be deceived by it ourselves, or attempt to deceive Portugal, into a belief that there was nothing of external attack, nothing of foreign hostility, in such a system of aggression — such pretence and attempt would perhaps be only ridiculous and contemptible; if they did not acquire a much more serious character from being employed as an excuse for infidelity to ancient friendship, and as a pretext for getting rid of the positive stipulations of treaties.

This, then, is the case which I lay before the House of Commons. Here is, on the one hand, an undoubted pledge of national faith, not taken in a corner, not kept secret between the parties, but publicly recorded among the annals of history, in the face of the world. Here are, on the other hand, undeniable acts of foreign aggression, perpetrated, indeed, principally through the instrumentality of domestic traitors, but supported with foreign means, instigated by foreign councils, and directed to foreign ends. Putting these facts and this pledge together, it is impossible that his Majesty should refuse the call that has been made upon him; nor can Parliament, I am convinced, refuse to enable his Majesty to fulfill his undoubted obligations. I am willing to rest the whole question of to-night, and to call for the vote of the House of Commons upon this simple case, divested altogether of collateral circumstances from which I especially wish to separate it in the minds of those who hear me, and also in

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the minds of others to whom what I now say will find its way. If I were to sit down this moment, without adding another word, I have no doubt but that I should have the concurrence of the House in the address which I mean to propose.

When I state this, it will be obvious to the House that the vote for which I am about to call upon them is a vote for the defense of Portugal, not a vote for war against Spain. I beg the House to keep these two points entirely distinct in their consideration. For the former I think I have said enough. If, in what I have now further to say, I should bear hard upon the Spanish government, I beg that it may be observed that, unjustifiable as I shall show their conduct to have been — contrary to the law of nations, contrary to the law of good neighborhood, contrary, I might say, to the laws of God and man — with respect to Portugal — still I do not mean to preclude a *locus pœnitentiæ*, a possibility of redress and reparation. It is our duty to fly to the defence of Portugal, be the assailant who he may. And be it remembered that in thus fulfilling the stipulation of ancient treaties, of the existence and obligation of which all the world are aware, we, according to the universally admitted construction of the law of nations, neither make war upon that assailant, nor give to that assailant, much less to any other power, just cause of war against ourselves.

Sir, the present situation of Portugal is so anomalous, and the recent years of her history are crowded with events so unusual, that the House will, perhaps, not think that I am unprofitably wasting its time if I take the liberty of calling its attention, shortly and succinctly, to those events, and to their influence on the political relations of Europe. It is known that the consequence of the residence of the king of

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Portugal in Brazil was to raise the latter country from a colonial to a metropolitan condition; and that, from the time when the King began to contemplate his return to Portugal, there grew up in Brazil a desire of independence that threatened dissension, if not something like civil contest, between the European and American dominions of the house of Braganza. It is known, also, that Great Britain undertook a mediation between Portugal and Brazil, and induced the King to consent to a separation of the two Crowns — confirming that of Brazil on the head of his eldest son. The ink with which this agreement was written was scarcely dry when the unexpected death of the King of Portugal produced a new state of things which reunited on the same head the two Crowns which it had been the policy of England, as well as of Portugal and of Brazil, to separate. On that occasion Great Britain and another European court closely connected with Brazil tendered advice to the Emperor of Brazil, now become King of Portugal, which advice it cannot be accurately said that his Imperial Majesty followed, because he had decided for himself before it reached Rio de Janeiro; but in conformity with which advice, though not in consequence of it, his Imperial Majesty determined to abdicate the Crown of Portugal in favor of his eldest daughter. But the Emperor of Brazil had done more. What had not been foreseen — what would have been beyond the province of any foreign power to advise — his Imperial Majesty had accompanied his abdication of the Crown of Portugal with the grant of a free constitutional charter for that kingdom. It has been surmised that this measure, as well as the abdication which it accompanied, was the offspring of our advice. No such thing — Great Britain did not suggest this measure. It is not her duty nor her practice to offer suggestions for the internal regulation of foreign

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States. She neither approved nor disapproved of the grant of a constitutional charter to Portugal; her opinion upon that grant was never required.

True it is that the instrument of the constitutional charter was brought to Europe by a gentleman of high trust in the service of the British government. Sir C. Stuart had gone to Brazil to negotiate the separation between that country and Portugal. In addition to his character of plenipotentiary of Great Britain, as the mediating power, he had also been invested by the King of Portugal with the character of his most faithful Majesty's plenipotentiary for the negotiation with Brazil. That negotiation had been brought to a happy conclusion; and therewith the British part of Sir C. Stuart's commission had terminated.

But Sir C. Stuart was still resident at Rio de Janeiro as the plenipotentiary of the King of Portugal for negotiating commercial arrangements between Portugal and Brazil. In this latter character it was that Sir C. Stuart, on his return to Europe, was requested by the Emperor of Brazil to be the bearer to Portugal of the new constitutional charter.

His Majesty's government found no fault with Sir C. Stuart for executing this commission; but it was immediately felt that if Sir C. Stuart were allowed to remain at Lisbon it might appear in the eyes of Europe that England was the contriver and imposer of the Portuguese constitution. Sir C. Stuart was therefore directed to return home forthwith, in order that the constitution, if carried into effect there, might plainly appear to be adopted by the Portuguese nation itself, not forced upon them by English interference.

As to the merits, sir, of the new constitution of Portugal, I have neither the intention nor the right to offer any opinion. Personally I may have formed one; but as an English min-

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ister all I have to say is, "May God prosper this attempt at the establishment of constitutional liberty in Portugal! and may that nation be found as fit to enjoy and to cherish its newborn privileges as it has often proved itself capable of discharging its duties among the nations of the world!"

I, sir, am neither the champion nor the critic of the Portuguese constitution. But it is admitted on all hands to have proceeded from a legitimate source — a consideration which has mainly reconciled continental Europe to its establishment; and to us, as Englishmen, it is recommended by the ready acceptance which it has met with from all orders of the Portuguese people. To that constitution, therefore, thus unquestioned in its origin, even by those who are most jealous of new institutions — to that constitution, thus sanctioned in its outset by the glad and grateful acclamations of those who are destined to live under it — to that constitution, founded on principles in a great degree similar to those of our own, though differently modified — it is impossible that Englishmen should not wish well.

But it would not be for us to force that constitution on the people of Portugal if they were unwilling to receive it, or if any schism should exist among the Portuguese themselves as to its fitness and congeniality to the wants and wishes of the nation. It is no business of ours to fight its battles. We go to Portugal in the discharge of a sacred obligation contracted under ancient and modern treaties.

When there, nothing shall be done by us to enforce the establishment of the constitution; but we must take care that nothing shall be done by others to prevent it from being fairly carried into effect. Internally, let the Portuguese settle their own affairs; but with respect to external force, while Great Britain has an arm to raise, it must be raised against the

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efforts of any power that should attempt forcibly to control the choice and fetter the independence of Portugal.

Has such been the intention of Spain? Whether the proceedings which have lately been practised or permitted in Spain were acts of a government exercising the usual power of prudence and foresight (without which a government is, for the good of the people which live under it, no government at all), or whether they were the acts of some secret illegitimate power — of some curious fanatical faction, overriding the counsels of the ostensible government, defying it in the capital, and disobeying it on the frontiers — I will not stop to inquire.

It is indifferent to Portugal, smarting under her wrongs — it is indifferent to England, who is called upon to avenge them — whether the present state of things be the result of the intrigues of a faction, over which, if the Spanish government has no control, it ought to assume one as soon as possible — or of local authorities, over whom it has control, and for whose acts it must therefore be held responsible. It matters not, I say, from which of these sources the evil has arisen. In either case Portugal must be protected; and from England that protection is due.

It would be unjust, however, to the Spanish government, to say that it is only among the members of that government that an unconquerable hatred of liberal institutions exists in Spain. However incredible the phenomenon may appear in this country, I am persuaded that a vast majority of the Spanish nation entertain a decided attachment to arbitrary power and a predilection for absolute government. The more liberal institutions of countries in the neighborhood have not yet extended their influence into Spain, nor awakened any sympathy in the mass of the Spanish people. Whether the public authorities of Spain did or did not partake of the

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national sentiment, there would almost necessarily grow up between Portugal and Spain, under present circumstances, an opposition of feelings which it would not require the authority or the suggestions of the government to excite and stimulate into action. Without blame, therefore, to the government of Spain — out of the natural antipathy between the two neighboring nations; the one prizing its recent freedom, the other hugging its traditionary servitude — there might arise mutual provocations and reciprocal injuries which perhaps even the most active and vigilant ministry could not altogether restrain.

I am inclined to believe that such has been, in part at least, the origin of the differences between Spain and Portugal. That in their progress they have been adopted, matured, methodized, combined, and brought into more perfect action, by some authority more united and more efficient than the mere feeling disseminated through the mass of the community, is certain; but I do believe their origin to have been as much in the real sentiment of the Spanish population as in the opinion or contrivance of the government itself.

Whether this be or be not the case is precisely the question between us and Spain. If, though partaking in the general feelings of the Spanish nation, the Spanish government has, nevertheless, done nothing to embody those feelings and to direct them hostilely against Portugal; if all that has occurred on the frontiers has occurred only because the vigilance of the Spanish government has been surprised, its confidence betrayed, and its orders neglected; if its engagements have been repeatedly and shamefully violated, not by its own good will, but against its recommendation and desire — let us see some symptoms of disapprobation, some signs of repentance, some measures indicative of sorrow for the past and of sincerity

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for the future. In that case his Majesty's message, to which I propose this night to return an answer of concurrence, will retain the character which I have ascribed to it — that of a measure of defence for Portugal, not a measure of resentment against Spain.

With these explanations and qualifications let us now proceed to the review of facts. Great desertions took place from the Portuguese army into Spain, and some desertions took place from the Spanish army into Portugal. In the first instance the Portuguese authorities were taken by surprise; but in every subsequent instance, where they had an opportunity of exercising a discretion, it is but just to say that they uniformly discouraged the desertions of the Spanish soldiery. There exist between Spain and Portugal specific treaties stipulating the mutual surrender of deserters.

Portugal had, therefore, a right to claim of Spain that every Portuguese deserter should be forthwith sent back. I hardly know whether from its own impulse, or in consequence of our advice, the Portuguese government waived its right under those treaties; very wisely reflecting that it would be highly inconvenient to be placed, by the return of their deserters, in the difficult alternative of either granting a dangerous amnesty or ordering numerous executions.

The Portuguese government, therefore, signified to Spain that it would be entirely satisfied if, instead of surrendering the deserters, Spain would restore their arms, horses, and equipments; and, separating the men from their officers, would remove both from the frontiers into the interior of Spain.

Solemn engagements were entered into by the Spanish government to this effect, first with Portugal, next with France, and afterward with England. Those engagements, concluded one day, were violated the next. The deserters, instead of

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being disarmed and dispersed, were allowed to remain congregated together near the frontiers of Portugal, where they were enrolled, trained, and disciplined for the expedition which they have since undertaken. It is plain that in these proceedings there was perfidy somewhere.

It rests with the Spanish government to show that it was not with them. It rests with the Spanish government to prove that, if its engagements have not been fulfilled — if its intentions have been eluded and unexecuted — the fault has not been with the government, and that it is ready to make every reparation in its power.

I have said that these promises were made to France and to Great Britain as well as to Portugal. I should do a great injustice to France if I were not to add that the representations of that government upon this point to the cabinet of Madrid have been as urgent, and, alas! as fruitless, as those of Great Britain. Upon the first irruption into the Portuguese territory, the French government testified its displeasure by instantly recalling its ambassador; and it further directed its *chargé d'affaires* to signify to his Catholic Majesty that Spain was not to look for any support from France against the consequences of this aggression upon Portugal.

I am bound, I repeat, in justice to the French government, to state that it has exerted itself to the utmost in urging Spain to retrace the steps which she has so unfortunately taken. It is not for me to say whether any more efficient course might have been adopted to give effect to their exhortations; but as to the sincerity and good faith of the exertions made by the government of France to press Spain to the execution of her engagements I have not the shadow of a doubt, and I confidently reckon upon their continuance.

It will be for Spain, upon knowledge of the step now taken

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by his Majesty, to consider in what way she will meet it. The earnest hope and wish of his Majesty's government is that she may meet it in such a manner as to avert any ill consequences to herself from the measure into which we have been driven by the unjust attack upon Portugal.

Sir, I set out with saying that there were reasons which entirely satisfied my judgment that nothing short of a point of national faith or national honor would justify, at the present moment, any voluntary approximation to the possibility of war.

Let me be understood, however, distinctly as not meaning to say that I dread war in a good cause (and in no other may it be the lot of this country ever to engage!) from a distrust of the strength of the country to commence it, or of her resources to maintain it. I dread it, indeed — but upon far other grounds: I dread it from an apprehension of the tremendous consequences which might arise from any hostilities in which we might now be engaged.

Some years ago, in the discussion of the negotiations respecting the French war against Spain, I took the liberty of adverting to this topic. I then stated that the position of this country in the present state of the world was one of neutrality, not only between contending nations, but between conflicting principles; and that it was by neutrality alone that we could maintain that balance, the preservation of which I believed to be essential to the welfare of mankind. I then said that I feared that the next war which should be kindled in Europe would be a war not so much of armies as of opinions.

Not four years have elapsed, and behold my apprehension realized! It is, to be sure, within narrow limits that this war of opinion is at present confined; but it is a war of opinion that Spain (whether as government or as nation) is now waging

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against Portugal; it is a war which has commenced in hatred of the new institutions of Portugal. How long is it reasonable to expect that Portugal will abstain from retaliation? If into that war this country shall be compelled to enter, we shall enter into it with a sincere and anxious desire to mitigate rather than exasperate, and to mingle only in the conflict of arms, not in the more fatal conflict of opinions.

But I much fear that this country (however earnestly she may endeavor to avoid it) could not, in such case, avoid seeing ranked under her banners all the restless and dissatisfied of any nation with which she might come in conflict. It is the contemplation of this new power in any future war which
18 excites my most anxious apprehension. It is one thing to have a giant's strength, but it would be another to use it like a giant.

The consciousness of such strength is, undoubtedly, a source of confidence and security; but in the situation in which this country stands our business is not to seek opportunities of displaying it, but to content ourselves with letting the professors of violent and exaggerated doctrines on both sides feel that it is not their interest to convert an umpire into an adversary. The situation of England amid the struggle of political opinions which agitates more or less sensibly different countries of the world may be compared to that of the Ruler of the Winds as described by the poet:

> "Celsâ sedet Æolus arce,
> Sceptra tenens; mollitque animos et temperat iras;
> Ni faciat, maria ac terras cœlumque profundum
> Quippe ferant rapidi secum, verrantque per auras." [1]

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[1] Æolus sits upon his lofty tower
And holds the sceptre, calming all their rage:
Else would they bear sea, earth, and heaven profound
In rapid flight, and sweep them through the air."
Virgil's Æneid, book 1, lines 56-59.

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The consequence of letting loose the passions at present chained and confined would be to produce a scene of desolation which no man can contemplate without horror; and I should not sleep easy on my couch if I were conscious that I had contributed to precipitate it by a single moment.

This, then, is the reason — a reason very different from fear — the reverse of a consciousness of disability, why I dread the recurrence of hostilities in any part of Europe; why I would bear much and would forbear long; why I would (as I have said) put up with almost anything that did not touch national faith and national honor rather than let slip the furies of war, the leash of which we hold in our hands — not knowing whom they may reach or how far their ravages may be carried. Such is the love of peace which the British government acknowledges; and such the necessity for peace which the circumstances of the world inculcate. I will push these topics no further.

I return, in conclusion, to the object of the Address. Let us fly to the aid of Portugal, by whomsoever attacked, because it is our duty to do so; and let us cease our interference where that duty ends. We go to Portugal not to rule, not to dictate, not to prescribe constitutions, but to defend and to preserve the independence of an ally. We go to plant the standard of England on the well-known heights of Lisbon. Where that standard is planted, foreign dominion shall not come.

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FOSTER

JOHN FOSTER, a profound and eloquent English essayist and preacher, was born at Halifax, Yorkshire, September 17, 1770. At an early age he decided to enter the ministry, and, after spending three years at the Baptist College in Bristol, was licensed to preach in 1792. Although he ministered at times to congregations elsewhere, the larger part of his life and ministry was spent in or near Bristol, and there he died, October 15, 1843. In the first part of his career he was an ardent republican, but his sympathies with republicanism were less marked as time went on, although he always maintained that royalty and its trappings constituted "a sad satire upon human nature." Although fully and distinctively Christian, he believed that churches were "useless and mischievous inventions," and he never performed the rite of baptism. He is best known by his volume of "Essays," published in 1804, of which essays the one "On Decision of Character" has become almost if not quite a classic. From 1806 to 1839 he wrote 184 biographical, literary, and philosophical articles for the "Eclectic Review," which were collected in 1844. Several volumes of lectures by Foster were issued in his lifetime, and such efforts as the "Discourse on Missions" and "The Evils of Popular Ignorance" (1818) were widely read and admired. Foster's style was polished and elaborate without being artificial, and he possessed to a rare degree "the art of putting things." The best of his work still continues to be read and to exert a beneficial influence.

SERMON: ACCESS TO GOD

"He that cometh to God must believe that he is, and that he is a rewarder of them that diligently seek him."—Hebrews xi, 6.

NO SAYING is more common among us, or perhaps leaves a more transient impression, than that to approach to God, while enjoined as a duty, is also an eminent privilege. As no one thinks of questioning it, we easily let it pass, as if there needed no more but to assent to it.

That it can thus be an unmeaning sentence, a lifeless notion, indistinctly presented to the apprehension and holding no communication with the affections, betrays that the soul is taking little account of its best resources for happiness. But

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such it will be unless we can be serious enough for an exercise of thought to apprehend as a great and interesting reality what we have so often allowed ourselves to hear or to utter as little more than an insignificant commonplace of religious discourse. Can we be content it should be so? When it is understood that, among the things possible to man, is the very extraordinary one of "coming to God," shall we not make a faithful, earnest effort that the thing so affirmed and believed may have to us all the effect of a reality in being brought with clearness to our apprehension and with power over our feelings?

It is a wonderful idea, even as apprehended at once, in a single act of thought, without intermediate process of advancing from less to greater, in ascent towards the greatest — the idea of the infinite, almighty, eternal Being, as to be approached, and spoken to, and communicated with, by man. But a gradation of thought, a progressive rising toward the transcendent and supreme, might contribute to magnify the wonderfulness of the fact, of man daring and permitted to enter into a direct communication with God. But by what order and train of ideas might we seek to advance towards the magnificence of the contemplation?

If we might allow ourselves in such an imagination as that the selected portion of all humanity, the very best and wisest persons on earth, were brought and combined into a permanent assembly and invested with a sovereign authority — the highest wisdom, virtue, science, and power thus united — would not a perfectly free access for the humblest, poorest, most distressed, and otherwise friendless, to such an assemblage, with a certainty of their most kind and sedulous attention being given — of their constant will to render aid — of their wisdom and power being promptly exercised — would

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not this be deemed an inestimable privilege to all within the compass of such an empire? Indeed, if such a thing might be (an extravagantly wild imagination, we confess), it would take the place of Providence in the minds of the multitude, and be idolized.

But take a higher position, and suppose that there were such an economy that the most illustrious of the departed saints held the office of being practically, though unseen, patrons, protectors, assistants, guides, to men on earth; that the spirits of patriarchs, prophets, and apostles, could be drawn, by those who desired it, to a direct personal attention, and to an exercise of their benignity and interference — would not this appear a resource of incalculable value? It is because it naturally would be so that the Romish church was so successful in imposing on the people the fiction of such an economy as an undoubted reality (and, indeed, paganism had before done something of a similar kind). So gratifying, so consoling, so animating, has this imaginary privilege been felt by millions of that church, that their devotion has seemed actually to stop at this level of invisible existence; the Almighty Father, and the Redeemer, comparatively forgotten.

But there is another far loftier ascension. We are informed of a glorious order of intelligences that have never dwelt in flesh; many of whom may have enjoyed their existence from a remoteness of time surpassing what we can conceive of eternity; with an immense expansion of being and powers; with a perpetual augmentation of the goodness inspired by their Creator; and exercising their virtues and unknown powers in appointed offices of beneficence throughout the system of unnumbered worlds. Would it not seem a pre-eminent privilege if the children of the dust might obtain a direct communication with them; might invoke them, accost them,

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draw them to a fixed attention, and with a sensible evidence of their indulgent patience and celestial benignity? Would not this seem an exaltation of felicity, throwing into shade everything that could be imagined to be derived to us from the benevolence and power of mortal or glorified humanity?

Now, here we are at the summit of created existence; and up to this sublime elevation we have none of these supposed privileges. No! there is no such conjunction of the greatest virtue, wisdom, and power on earth. Departed saints have no appointment to hear our petitions; and when we perceive, as it were, the distant radiance of an inconceivably nobler order of beings, it is with the consciousness that we cannot come into their sensible presence and recognition, cannot invoke their express attention, cannot lay hold on their power, cannot commit to them the momentous charge of our interests.

Thus we have ascended by degrees to the most illustrious of created beings for the transient luxury of imagining what it would be to engage in our favor the intelligence, goodness, and power of those glorious spirits; but to find ourselves hopelessly far off from such access. In the capacity of receiving our petitions they exist not for us; as to that object these mighty agents are strangers to us.

What, then, to do next? Next, our spirits have to raise their thoughts to an awful elevation above all subordinate existence in earth and heaven, in order to approach a presence where they may implore a beneficent attention, and enter into a communication with him who is uncreated and infinite; a transition compared to which the distance from the inferior to the nobler, and then to the noblest of created beings, is reduced to nothing; as one lofty eminence on an elevated mountain — and a higher,— and the highest — but thence to the starry heavens!

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But think, who is it that is thus to "come to God!" Man! little, feeble, mortal, fallen, sinful man! He is, if we may speak in such language, to venture an act expressly to arrest the attention of that stupendous Being; to signify in the most direct manner that he is by choice and design in that presence intentionally to draw on himself the notice, the aspect of the Almighty. The purpose is to speak to him in a personal manner; to detain him in communication. The approaching petitioner is to utter thoughts, for God to admit them into his thoughts! He would cause himself to be distinctly and individually listened to by a Being who is receiving the adoration of the most exalted spirits and of all the holy intelligences in the universe; by him whose power is sustaining and governing all its regions and inhabitants. He seeks to cause his words to be listened to by him whose own words may be, at the very time, commanding new creations into existence.

But reflect, also, that it is an act to call the special attention of him whose purity has a perfect perception of all that is evil, that is unholy, in the creature that approaches him; of him whom the applicant is conscious he has not, to the utmost of his faculties, adored or loved: alas! the very contrary.

What a striking, what an amazing view is thus presented of the situation the unworthy mortal is placed in, the position which he presumes to take, in "coming to God." How surprising then it is, how alarming it well may be, to reflect on the manner in which, too often, we use this privilege! What a miserably faint conception of the Sovereign Majesty! A reverence so defective in solemnity that it admits the intrusion of every trivial suggestion. Thoughts easily diverted away by the slightest casual association. An inanimate state of feeling, indifference almost, in petitioning the greatest blessings and deprecating the most fearful evils. So that on

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serious reflection the consciousness would be forced upon us of its being too much to hope that such devotions can be accepted, such petitions granted.

To rebuke this irreligion, infesting and spoiling the very acts of religion, think again of the situation of such a creature as man coming into the immediate presence of the Divine Majesty. The very extremes of spiritual existence — the infinitely Most Glorious, and the lowest, meanest of all, brought into communication; the absolutely holy, and the miserably depraved — the guilty. We may conceive that a creature of even such humble rank as man, if he were but perfectly innocent, might approach to a communication with the Eternal and Infinite Essence, though not without inexpressible awe, yet without terror; but since he is impure and guilty, the idea of his "coming to God" would be no other than the image of a perishable thing brought within the action of "a consuming fire;" the moral quality of the divine nature being in direct antipathy to that of such a creature approaching.

Let a man really and deeply affected with the debasement of his nature and his individual guilt stand consciously before the all-perfect holiness of God; let him think what it must be to come in immediate contact (shall we say?) with that holiness; every look at his sinfulness, every secret accusation of his conscience, would fix and determine his attention to the divine holiness — irresistibly so — rather than to any other attribute: for in all comparisons, even with our fellow men, our attention fixes the most strongly on that in which we are the most in contrast and antipathy with them, especially when the contrast presents something for us to fear. So with a creature consciously full of sin in immediate approach to him who is "glorious in holiness;" the attention would be arrested

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by that, as an opposite, a hostile, and a terrible quality; and the longer it were beheld, the more it would appear kindling and glowing into a consuming flame.

A sinful being immediately under the burning rays of Omnipotent Holiness! The idea is so fearful that one might think it should be the most earnest, the most passionate desire of a human soul that there should be some intervention to save it from the fatal predicament. No wonder, then, that the most devout men of every age of the Christian dispensation have welcomed with joy and gratitude the doctrine of a Mediator, manifested in the person of the Son of God, by whom the holiness of God and the sinfulness of man are, as it were, kept asunder; and a happy communication can take place through the medium of One who stands before the Divine Majesty of Justice, in man's behalf, with a propitiation and a perfect righteousness.

Thus far, and too long, we have dwelt on the wonderfulness of the fact and the greatness of the privilege of "coming to God." We have to consider, a little, with what faith this is to be done. "Must believe that he is, and that he is the rewarder of them that diligently seek him."

The fact of the divine existence must be assumed by the seeker for permanent good. What a condition it were to be looking round and afar into boundless inanity in quest of it! uttering the importunate and plaintive cry, "Who will show us any good?"— directed first to poor fellow mortals, who can only respond in the same words; and then to the fantastic, shadowy creatures of imagination — nature, fortune, chance, good genii.

"Must believe that he is." Must have a most absolute conviction that there is one Being infinitely unlike and superior to all others; the sole Self-existent, All-comprehend-

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ing, and All-powerful; a reality in such a sense that all other things are but precarious modes of being, subsisting simply in virtue of his will; — must pass through and beyond the sphere of sense, to have a spiritual sight of "him that is invisible;" and, more than merely a principle held in the understanding, must verify the solemn reality in a vitally pervading sentiment of the soul.

And what a glory of intellect and faith thus to possess a truth which is the sun in our mental sphere, the supreme itself of all lights, and whence radiate all the illuminations and felicities that can bless the rational creation! And what a casting down from heaven, as it may well be named,— what a spectacle of debasement and desolation is presented to us, when we behold the frightful phenomenon of a rational creature disbelieving a God! There are such men, who can look abroad on this amazing universe and deny there is a supreme intelligent Cause and Director; and if some of these are possessed of extraordinary talent and knowledge the fact may show what human reason is capable of when rejecting and rejected by divine influence; and we may presage the horrible amazement when that truth respecting which the lights of science and the splendors of the sky have left them in the dark shall at length suddenly burst on them!

"He that cometh to God must believe that he is." But how easily it may be said, "We have that faith; we never denied or doubted that there is such a Being." Well; but reflect, and ascertain in what degree the general tenor of your feelings and your habits of life have been different from what they might have been if you had disbelieved or doubted. The expression "coming to" him seems to tell something of a previous distance; see, then, what may have been, in a spiritual sense, the distance at which you have lived from

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him. Has it been the smallest at which a feeble, sinful creature must still necessarily be left, notwithstanding an earnest, persisting effort to approach him; or rather the greatest that a mere notional acknowledgment of his existence would allow? What a wide allowance is that! and what a melancholy condition to have only such a faith concerning the most glorious and beneficent Object as shall leave us contented to be so far off from him!

This belief cannot bring the soul in effectual approach to God unless it be a penetrating conviction that the truth so believed is a truth of mightiest import; that, there being a God, we have to do with him every moment; that all will be wrong with us unless this awful reality command and occupy our spirits; that this faith must be the predominating authority over our course through the world, the determining consideration in our volitions and actions. When we say, then, that we have this belief, the grave question is, What does it do for us? Are we at a loss to tell what? Can we not verify to ourselves that we have this belief in any other way than by repeating that we believe?

The effectual faith in the divine existence always looks to consequences. In acknowledging each glorious attribute it regards the aspect which it bears on the worshipper, inferring what will therefore be because that is. It is not a valid faith in the Divinity, as regarded in any of his attributes, till it excite the solicitous thought, "And what then?" He is, as supreme in goodness; and what then? Then, how precious is every assurance from himself that he is accessible to us! Then is it not the truest insanity in the creation to be careless of his favor? Then, happy they, forever happy, who obtain that favor by devoting themselves to seek it. Then let us instantly and ardently proceed to act on the

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conviction that he is the "rewarder of them that diligently seek him."

This actuating conviction must be decided and absolute in him that "cometh to God." He must feel positively assured it will not be just the same to him, in the event of things, whether he diligently seek God or not. Without this there cannot be a motive of force enough to draw or impel him to the spiritual enterprise. His soul will stagnate in a comfortless, hopeless, and almost atheistical inaction; or, with a painful activity of imagination, he may picture forth forms of the good which such a being as the Almighty could do for him, and then see those visions depart as some vain creations of poetry; or he may try to give to what keeps him afar from God a character of reason and philosophy, by perverted inferences from the unchangeableness of the divine purposes or the necessary course of things; or he may pretend a pious dread of presuming to prescribe to the Sovereign Wisdom: all, in effect, terminating in the profane question, "What profit shall we have if we pray to him?"

Without the assured belief that something of immense importance is depending on the alternative of rendering or withholding the homage of devout application, all aspiration is repressed, and we are left, as it were, prone on the earth. We are to hold it for certain that even though divers events, simply as facts, may be the same in either case, yet something involved in them, and in the effect of the whole series of events, will be infinitely different. In each opportune season for coming to God by supplication, at each repetition of the gracious invitations to do so, at each admonition of conscience, there is a voice which tells him that something most invaluable would, really would, be gained by sincere, earnest, and constant application. He should say to him-

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self, I am not to remain inactive, as if just waiting to see what will come to pass, like a man expecting the rain or sunshine which he can do nothing to bring on his meadow or garden. If God be true, there is something to be granted to such application that will not be granted without it. As to the particular order of providential dispensation I can know nothing of the divine purposes; but as to the general scope I do know perfectly that one thing is in God's determination, namely, to fulfil his promises. By a humble, faithful, persevering importunity of prayer in the name of Christ I have an assured hold upon — or, by a neglect of it, I let loose from my grasp and hope — all those things which he has promised to such prayer. I am, then, assured he is the "rewarder," inasmuch as I know it will not be all the same to me whether I seek him or not. And here we may instantly break through all speculative sophistry by appealing to any man who believes anything of revelation: "Do you really believe that it will not, in the final result, and even in this world too, make a vast difference whether you shall or shall not be habitually, through life, an earnest applicant for the divine blessing? Answer this question; answer it to yourself, from your inmost conviction."

Let it be observed here that, God having indicated by his precepts the way in which, conditionally, he will manifest his goodness to men, that way, as so set forth, must be the best. It is not, therefore, a mere dictate of sovereign authority, but a wise adjustment of the means for men's happiness. His goodness is not greater in his willingness to confer his favors than in the appointment how they shall be conferred; that is, the preceptive rule according to which we are to expect them.

That preceptive rule is conspicuous throughout the Bible.

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That we should "seek God," in the way of unceasing application for his mercies, is inculcated and reiterated in every form of cogent expression. Then we are justly required to believe, confidently, that as this is the very best and only expedient, God will combine the happiness of his servants with their faithful observance of an injunction intended for their happiness; that it will be attended by tokens of the divine complacency; that in keeping the precept there will be "great reward." Like Enoch, they will have "this testimony, that they pleased God."

"Must believe that he is a rewarder." This faith is required in consideration of the intention (might we presume to say, reverently, the sincerity?) of the heavenly Father in calling men to come to him. "I have not said, Seek ye me in vain." To what purpose are they thus required to make his favor the object of their eternal aspiration; to forego all things rather than this; to renounce, for this, everything which it is the perverted tendency of the human soul to prefer; to say, "Whom have I in heaven but thee? and there is none upon earth that I desire beside thee?" Why invited to give their affections, devote their life, and their very existence, to acknowledge their dependence, and testify their confidence by unceasing petitions, and to strive fervently to obtain a more intimate access to him? Why thus summoned, and trained, and exercised, to a lofty ambition far above the world? Not to frustrate all this labor, not to disappoint them of the felicity to which they continually aspire! They "must believe that he is a rewarder;" that he is not thus calling and constraining them up a long, laborious ascent only that they may behold his glorious throne, come near to his blissful paradise, do him homage at its gate, and then be shut out.

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Consider again: it is because there is a Mediator that sinful men presume and are authorized to approach to God, seeking that — no more than that — which the mysterious appointment was made, in divine justice and mercy, for the purpose of conferring on them. Then they must believe that this glorious office cannot but be availing to their success. There is a peculiar virtue in such a special, remedial interposition to secure its own infallible efficacy, since it was expressly because the original constitution of our nature had failed, and must remain powerless and hopeless for happiness, that this special and extraordinary one was brought into existence; and an expedient which has been adopted, in the divine government, to accomplish an end for which all else has been proved incompetent, must have a special and peculiar sufficiency for that end. What has been appointed, in the last resort, in substitution and in remedy of an antecedent economy, because that has failed, must be by eminence of a nature not itself to fail. It rises up conspicuous and impregnable when all around has sunk in ruin; like some mighty rock brought up into the light, and standing high in immovable stability, in the rending and subsidence of the ground by earthquake.

They that "come to God" in confidence on this new divine constitution will find that he, in justice to his appointment of a Mediator, will grant what is promised and sought in virtue of it; in other words, will be a "rewarder" for Christ's sake. And what is that in which it will be verified to them "that he is a rewarder?" For what will they have to adore and bless him as such? For the grandest benefits which even he can impart — can impart in doing full justice to the infinite merits of the appointed Redeemer. An inestimable privilege! that those greatest blessings may be asked

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for positively and specifically; whereas the minor benefits are to be requested conditionally, and it is better that the applicants should not be certain of obtaining them. It is enough for their faith as to these that an infinitely wiser judgment than theirs will be exercised in selecting, giving, withholding, adjusting.

But the important admonition, to be repeated here in concluding, is, that all this is for them "that diligently seek;" so habitually, importunately, perseveringly, that it shall really and in good faith be made the primary concern of our life; so that, while wishes and impulses to obtain are incessantly springing and darting from the busy soul in divers directions, there shall still be one predominant impulse directed towards heaven. And, if such representations as we have been looking at be true, think — it is truly a most striking reflection — think what might be obtained by all of us, who have them at this hour soliciting our attention, on the supposition that we all should henceforward be earnest applicants to the Sovereign Rewarder. Think of the mighty amount of good, in time and eternity, as our collective wealth; and of the value of every individual share.

We said "on the supposition;" but why are we to admit a word so ominous? for while, on the one side, it points to a grand sum of good, with an averment of him who has it to give that it may be ours, it darkly intimates, on the other, that possibly it may not, may never be ours; that we may practically consent that it shall not. But may we, believing such things all the while, may we really so consent? With such treasure held forth in our view and for our attainment by the munificent Benefactor, and seeing some of our companions actually attaining it, can we consent to a melancholy destitution by foregoing it? Consent to forego! And to what is it

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that such consent would be yielded? Could it be to anything else than a malignant, dire, accursed perversity of our nature? No terms of execration are too intense for the noxious thing within our own selves that stupefies our affections and our will to the madness of telling our God, in effect, that we can do without his rewards, that he may confer them where they are more desired; while we will look on and see others take them all away, content to retain and cherish in their stead that deadly enemy within which compels us to let them go.

Can we not be so content? Then, finally what we have the most urgent cause to seek him for is, that he will deliver us from that which keeps us from him. We have to implore, "O merciful Power! abolish whatever it is that would detain us at a fatal distance from thee. Let the breath of thy Spirit consume the unbelief, the reluctance, the indifference, the world's enchantments, that would fix us under the doom to 'behold thee, but not nigh.' Apply to these averse or heedless spirits such a blessed compulsion as shall not leave it even possible for us to be within reach of the sovereign good, and yet linger till all be lost."

And if, by unwearied seeking, we obtain this, it will emphatically be a "reward" for which all under the sun might be gladly given away.

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FRANZEN

BISHOP FRANS MICHAEL FRANZEN, the son of a humble shopkeeper in Uleaborg, Finland, was born in February, 1772. He showed poetical talent at a very early age, and at fifteen had written several charming lyrics. When he was twenty-five years old he took the prize offered by the Swedish Academy for a poem on a special subject. His poetical work is marked by a great beauty and deals almost wholly with themes inspired by nature, and with the home affections. Some of his poems for children are exquisite in form and sentiment. He was made bishop of Hernosand in 1832, and for ten years was secretary of the Swedish Academy. One of his best-known works was a translation of the Psalms. He died in August, 1847.

"THE SWORD SHALL PIERCE THY HEART"

PAUSE for a moment, you who wander lonely in the eve of life! Your shadow, growing longer at every step you take, tells you that night is drawing nigh. Pause for a moment's look upon that world from which you refuse to separate your heart though you are tired of its cares, sated with its joys, offended by its transgressions. You sought riches and comfort but found only trouble and anxiety; you sought pleasure and luxuries but found only sadness and sufferings; you sought fame and fortune but found only humiliation and adversity; you sought the people's favor and applause but found only envy and slander. Ah, the world has deceived you in all that it promised, still you hearken to its promises, groping after its illusions, its evasive shadows. You have emptied life's bitter chalice and yet you linger over its dregs. The world has turned its back to you, but you still cling to its delusions. O, pitiful! Turn your face to God and you shall find the peace your soul is wanting, the peace which all

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the world cannot give, but he alone who conquered the world.

What the Church proclaims about the vanity of the world is revealed to us by the world itself, not merely through the vicissitudes of fortune, but through the perishable nature of the things around us. The whole creation confirms it by innumerable methods of revelation. At the bounteous table which he finds prepared for him in this world man sits down like the guest at the king's table over whose head dangles a drawn sword suspended from the ceiling by a brittle thread. That sword is pointed out to him by all nature, ever-creating and ever-destroying nature.

Step out into the field, not in the winter, when everything seems dead; not in the fall, when "the dying night-lamp flickers;" but in the height of summer splendor. How many steps can you take before some faded flower, a leaf which has fallen, a worm that has been trampled upon, reminds you of how some day you shall wither, fall, and be laid at rest under the turf. Yet it is well for you to be thus taught the process of your own transformation. Turn your eyes toward the window and behold how night is drawing nigh. Yea, even the unchanging sun steps down from her path to let night remind us of our mortality. No picture in the book of nature is more clear, more expressive, than those on the white and black leaves which she turns every morning and night.

Each day in life is not merely a link in a chain, capable of being broken loose; it is a lifetime by itself. Or is it not a new life you begin whenever you awake? Once asleep, are you really conscious of life? Sleep is more than a shadow of death; it is a part thereof. When you sleep you are dead to the world and dead to your own self. Nevertheless, you wake up to find yourself with the world still around you; you live

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again and will think of nothing else than life. But place your hand over your heart and reflect: "Should that beating cease the next moment?"

Why do you turn pale at the thought? You fear death!

Then you ought to have fears every day and every hour, because there is not a moment in your life when you can feel assured that this wonderful structure wherein dwells your soul, now like a cheerful guest, now like a troubled master, now like a yearning invalid, now like a convicted prisoner, will not crumble and fall.

But you do not think of this constant danger to life. Nature has endowed you with consciousness of life and faith in its durability, and while she places your hour-glass before your eyes she covers its upper end. You can see and measure the sand which has run down but not that which remains. Who fails to see the wisdom in this order? What good could we accomplish, or even undertake to do, should we all think only of our death? What pleasure would there be in life, what goal could we reach by a constant dread of death? Can it be that nature, or rather her Creator, is rebelling against himself? Does he cause heaven and earth constantly to cry out to man, "Thou shalt die," while he himself cries in a louder voice: "Live! for though thou diest, yet shalt thou live again!"

[Special translation by Chas. E. Hurd.]

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QUINCY

JOSIAH QUINCY, an American statesman, was born in Boston, Massachusetts, February 4, 1772, the only son of the patriotic orator who is usually referred to as Josiah Quincy, Jr. He was educated at Harvard University, and, being admitted to the bar in 1793, immediately took an active interest in politics, like his father before him. An oration which he delivered on July 4, 1798, was so greatly admired that he received a Federalist nomination for Congress. Though defeated on this occasion, he was sent to the United States Senate in 1804, where he figured as an extreme Federalist, vigorously opposing the embargo policy and the second war with England, but especially strenuous in 1811 against the admission of Louisiana into the Union as a State. In a famous speech which he pronounced on this subject on January 14, 1811, he made the first announcement of the doctrine of secession. Although opposed to the war he did not refuse his support to the administration, and on January 25, 1812, made a memorable speech on the navy which was admired by men of all parties. He declined re-election that year, but sat for some years in the Massachusetts legislature, and as mayor of Boston, 1823-28, effected a number of important municipal reforms. His son and great-grandson successively filled the same civic office in subsequent years. From 1829 to 1845 he was president of Harvard University, and after his retirement from that position lived in Quincy, Massachusetts, devoted to literary and social pursuits, but taking a deep interest in public affairs until his death, July 1, 1864. His writings include a "Memoir" of his father, 1825; "History of Harvard University," 1840; "Municipal History of Boston," 1852; "Memoir of John Quincy Adams," 1858; "Speeches Delivered in Congress," 1874.

ON THE ADMISSION OF LOUISIANA

DELIVERED IN THE UNITED STATES HOUSE OF REPRESENTATIVES JANUARY 14, 1811

MR. SPEAKER,— I address you, sir, with an anxiety and distress of mind with me wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power; as an ordinary affair; a mere municipal regulation, which they expect to see pass without other questions than those concerning details.

But, sir, the principle of this bill materially affects the

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liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country; and that, in no great length of time, it may produce it.

When I see the zeal and perseverance with which this bill has been urged along its parliamentary path, when I know the local interests and associated projects which combine to promote its success, all opposition to it seems manifestly unavailing. I am almost tempted to leave, without a struggle, my country to its fate.

But, sir, while there is life there is hope. So long as the fatal shaft has not yet sped, if heaven so will, the bow may be broken and the vigor of the mischief-meditating arm withered. If there be a man in this House or nation who cherishes the constitution, under which we are assembled, as the chief stay of his hope, as the light which is destined to gladden his own day, and to soften even the gloom of the grave by the prospect it sheds over his children, I fall not behind him in such sentiments. I will yield to no man in attachment to this constitution, in veneration for the sages who laid its foundations, in devotion to those principles which form its cement and constitute its proportions.

What then must be my feelings; what ought to be the feelings of a man cherishing such sentiments when he sees an act contemplated which lays ruin at the root of all these hopes? — when he sees a principle of action about to be usurped, before the operation of which the bands of this constitution are no more than flax before the fire or stubble before the whirlwind. When this bill passes such an act is done and such a principle usurped.

Mr. Speaker, there is a great rule of human conduct which he who honestly observes cannot err widely from the

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path of his sought duty. It is, to be very scrupulous concerning the principles you select as the test of your rights and obligations; to be very faithful in noticing the result of their application; and to be very fearless in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare *it as my deliberate opinion that if this bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, amicably if they can, violently if they must.*

[Mr. Quincy was here called to order by Mr. Poindexter, delegate from the Mississippi Territory, for the words in italics. After it was decided, upon an appeal to the House, that Mr. Quincy was in order, he proceeded:]

I rejoice, Mr. Speaker, at the result of this appeal. Not from any personal consideration, but from the respect paid to the essential rights of the people in one of their representatives. When I spoke of the separation of the States as resulting from the violation of the constitution contemplated in this bill, I spoke of it as a necessity deeply to be deprecated, but as resulting from causes so certain and obvious as to be absolutely inevitable when the effect of the principle is practically experienced. It is to preserve, to guard the constitution of my country that I denounce this attempt. I would rouse the attention of gentlemen from the apathy with which they seem beset.

These observations are not made in a corner; there is no low intrigue; no secret machination. I am on the people's own ground; to them I appeal concerning their own rights,

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their own liberties, their own intent, in adopting this constitution. The voice I have uttered, at which gentlemen startle with such agitation, is no unfriendly voice. I intended it as a voice of warning. By this people, and by the event, if this bill passes, I am willing to be judged whether it be not a voice of wisdom.

The bill which is now proposed to be passed has this assumed principle for its basis, that the three branches of this national government, without recurrence to conventions of the people in the States or to the legislatures of the States, are authorized to admit new partners to a share of the political power in countries out of the original limits of the United States.

Now, this assumed principle I maintain to be altogether without any sanction in the constitution. I declare it to be a manifest and atrocious usurpation of power; of a nature dissolving, according to undeniable principles of moral law, the obligations of our national compact, and leading to all the awful consequences which flow from such a state of things. Concerning this assumed principle, which is the basis of this bill, this is the general position on which I rest my argument, that, if the authority now proposed to be exercised be delegated to the three branches of the government by virtue of the constitution, it results either from its general nature or from its particular provisions. I shall consider distinctly both these sources in relation to this pretended power.

Touching the general nature of the instrument called the constitution of the United States, there is no obscurity; it has no fabled descent, like the palladium of ancient Troy, from the heavens. Its origin is not confused by the mists of time, or hidden by the darkness of passed, unexplored ages; it is the fabric of our day. Some now living had a share in

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its construction; all of us stood by and saw the rising of the edifice. There can be no doubt about its nature. It is a political compact. By whom? And about what? The preamble to the instrument will answer these questions.

"We, the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

It is, we, the people of the United States, for ourselves and our posterity; not for the people of Louisiana, nor for the people of New Orleans or of Canada. None of these enter into the scope of the instrument; it embraces only "the United States of America."

Who these are, it may seem strange in this place to inquire. But truly, sir, our imaginations have of late been so accustomed to wander after new settlements to the very ends of the earth, that it will not be time ill-spent to inquire what this phrase means and what it includes. These are not terms adopted at hazard; they have reference to a state of things existing anterior to the constitution. When the people of the present United States began to contemplate a severance from their parent State, it was a long time before they fixed definitively the name by which they would be designated. In 1774 they called themselves "the Colonies and Provinces of North America"; in 1775, "the Representatives of the United Colonies of North America"; in the Declaration of Independence "the Representatives of the United States of America"; and, finally, in the Articles of Confederation, the style of the confederacy is declared to be "the United States of America."

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It was with reference to the old articles of confederation, and to preserve the identity and established individuality of their character, that the preamble to this constitution, not content simply with declaring that it is "We, the people of the United States," who enter into this compact, adds that it is for "the United States of America." Concerning the territory contemplated by the people of the United States in these general terms, there can be no dispute; it is settled by the treaty of peace, and included within the Atlantic Ocean, the St. Croix, the lakes; and more precisely, so far as relates to the frontier, having relation to the present argument, within—

—"a line to be drawn through the middle of the river Mississippi until it intersect the northernmost part of the thirty-first degree of north latitude, thence within a line drawn due east on this degree of latitude to the river Apalachicola, thence along the middle of this river to its junction with the Flint River, thence straight to the head of the St. Mary's River, and thence down the St. Mary's to the Atlantic Ocean."

I have been thus particular to draw the minds of gentlemen distinctly to the meaning of the terms used in the preamble; to the extent which "the United States" then included, and to the fact that neither New Orleans nor Louisiana was within the comprehension of the terms of this instrument. It is sufficient for the present branch of my argument to say that there is nothing in the general nature of this compact from which the power contemplated to be exercised in this bill results.

On the contrary, as the introduction of a new associate in political power implies necessarily a new division of power and consequent diminution of the relative proportion

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of the former proprietors of it, there can certainly be nothing more obvious than that from the general nature of the instrument no power can result to diminish and give away to strangers any proportion of the rights of the original partners. If such a power exist, it must be found, then, in the particular provisions in the constitution. The question now arising is, in which of these provisions is given the power to admit new States to be created in territories beyond the limits of the old United States. If it exist anywhere, it is either in the third section of the fourth article of the constitution or in the treaty-making power. If it result from neither of these it is not pretended to be found anywhere else.

That part of the third section of the fourth article on which the advocates of this bill rely is the following:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress."

I know, Mr. Speaker, that the first clause of this paragraph has been read with all the supercilliousness of a grammarian's triumph—"New States may be admitted by the Congress into this Union"—accompanied with this most consequential inquiry: "Is not this a new State to be admitted? And is not here an express authority?"

I have no doubt this is a full and satisfactory argument to everyone who is content with the mere colors and superficies of things. And, if we were now at the bar of some stall-fed justice, the inquiry would ensure victory to the maker of it, to the manifest delight of the constables and suitors of his

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court. But, sir, we are now before the tribunal of the whole American people; reasoning concerning their liberties, their rights, their constitution. These are not to be made the victims of the inevitable obscurity of general terms, nor the sport of verbal criticism.

The question is concerning the intent of the American people, the proprietors of the old United States, when they agreed to this article. Dictionaries and spelling-books are here of no authority. Neither Johnson, nor Walker, nor Webster, nor Dilworth, has any voice in this matter. Sir, the question concerns the proportion of power reserved by this constitution to every State in this Union. Have the three branches of this government a right, at will, to weaken and outweigh the influence, respectively, secured to each State in this compact, by introducing, at pleasure, new partners, situate beyond the old limits of the United States?

The question has not relation merely to New Orleans. The great objection is to the principle of the bill. If this principle be admitted, the whole space of Louisiana, greater, it is said, than the entire extent of the old United States, will be a mighty theatre in which this government assumes the right of exercising this unparalleled power. And it will be; there is no concealment, it is intended to be exercised. Nor will it stop until the very name and nature of the old partners be overwhelmed by new-comers into the confederacy.

Sir, the question goes to the very root of the power and influence of the present members of this Union. The real intent of this article is therefore an inquiry of most serious import, and is to be settled only by a recurrence to the known history and known relations of this people and their

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constitution. These, I maintain, support this position, that the terms "new States" in this article do intend new political sovereignties, to be formed within the original limits of the United States, and do not intend new political sovereignties with territorial annexations, to be created without the original limits of the United States. I undertake to support both branches of this position to the satisfaction of the people of these United States. As to any expectation of conviction on this floor, I know the nature of the ground and how hopeless any arguments are which thwart a concerted course of measures. . . .

But there is an argument stronger even than all those which have been produced, to be drawn from the nature of the power here proposed to be exercised. Is it possible that such a power, if it had been intended to be given by the people, should be left dependent upon the effect of general expressions, and such, too, as were obviously applicable to another subject, to a particular exigency contemplated at the time?

Sir, what is this power we propose now to usurp?

Nothing less than a power changing all the proportions of the weight and influence possessed by the potent sovereignties composing this Union. A stranger is to be introduced to an equal share without their consent. Upon a principle pretended to be deduced from the constitution this government, after this bill passes, may and will multiply foreign partners in power at its own mere motion, at its irresponsible pleasure; in other words, as local interests, party passions, or ambitious views may suggest. It is a power that from its nature never could be delegated; never was delegated; and, as it breaks down all the proportions of power guaranteed by the constitution to the States upon which their essential

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security depends, utterly annihilates the moral force of this political conduct.

Would this people, so wisely vigilant concerning their rights, have transferred to Congress a power to balance, at its will, the political weight of any one State, much more of all the States, by authorizing it to create new States at its pleasure in foreign countries not pretended to be within the scope of the constitution or the conception of the people at the time of passing it?

This is not so much a question concerning the exercise of sovereignty as it is who shall be sovereign — whether the proprietors of the good old United States shall manage their own affairs in their own way, or whether they, and their constitution, and their political rights, shall be trampled under foot by foreigners introduced through a breach of the constitution. The proportion of the political weight of each sovereign State constituting the Union depends upon the number of the States which have a voice under the compact. This number the constitution permits us to multiply at pleasure within the limits of the original United States; observing only the expressed limitations in the constitution.

But when, in order to increase your power of augmenting this number, you pass the old limits, you are guilty of a violation of the constitution in a fundamental point; and in one also which is totally inconsistent with the intent of the contract and the safety of the States which established the association. What is the practical difference to the old partners whether they hold their liberties at the will of a master, or whether, by admitting exterior States on an equal footing with the original States, arbiters are constituted who, by availing themselves of the contrariety of interests and views which in such a confederacy necessarily will arise, hold the

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balance among the parties which exist and govern us, by throwing themselves into the scale most conformable to their purposes? In both cases there is an effective despotism. But the last is the more galling, as we carry the chain in the name and gait of freemen.

I have thus shown—and whether fairly I am willing to be judged by the sound discretion of the American people—that the power proposed to be usurped in this bill results neither from the general nature nor the particular provisions of the federal constitution, and that it is a palpable violation of it in a fundamental point whence flow all the consequences I have intimated.

But, says the gentleman from Tennessee [Mr. Rhea], "these people have been seven years citizens of the United States."

I deny it, sir. As citizens of New Orleans or of Louisiana, they never have been, and by the mode proposed they never will be, citizens of the United States. They may be girt upon us for a moment, but no real cement can grow from such an association. What the real situation of the inhabitants of those foreign countries is I shall have occasion to show presently. But, says the same gentleman, "if I have a farm, have not I a right to purchase another farm in my neighborhood, and settle my sons upon it, and in time admit them to a share in the management of my household?"

Doubtless, sir. But are these cases parallel? Are the three branches of this government owners of this farm called the United States? I desire to thank heaven they are not. I hold my life, liberty, and property, and the people of the State from which I have the honor to be a representative hold theirs, by a better tenure than any this national government can give. Sir, I know your virtue.

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And I thank the Great Giver of every good gift that neither the gentleman from Tennessee, nor his comrades, nor any, nor all the members of this House, nor of the other branch of the legislature, nor the good gentleman who lives in the palace yonder, nor all combined, can touch these my essential rights, and those of my friends and constituents, except in a limited and prescribed form. No, sir. We hold these by the laws, customs, and principles of the Commonwealth of Massachusetts. Behind her ample shield we find refuge and feel safety. I beg gentlemen not to act upon the principle that the commonwealth of Massachusetts is their farm.

But, the gentleman adds, "what shall we do if we do not admit the people of Louisiana into our Union? Our children are settling that country."

Sir, it is no concern of mine what he does. Because his children have run wild and uncovered into the woods, is that a reason for him to break into my house or the houses of my friends to filch our children's clothes in order to cover his children's nakedness? This constitution never was and never can be strained to lap over all the wilderness of the west without essentially affecting both the rights and convenience of its real proprietors. It was never constructed to form a covering for the inhabitants of the Missouri and the Red River country. And whenever it is attempted to be stretched over them it will rend asunder. I have done with this part of my argument. It rests upon this fundamental principle that the proportion of political power, subject only to the internal modifications permitted by the constitution, is an inalienable, essential, intangible right. When it is touched, the fabric is annihilated; for on the preservation of these proportions depend our rights and liberties.

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If we recur to the known relations existing among the States at the time of the adoption of this constitution, the same conclusion will result. The various interests, habits, manners, prejudices, education, situation, and views which excited jealousies and anxieties in the breasts of some of our most distinguished citizens touching the result of the proposed constitution were potent obstacles to its adoption.

The immortal leader of our Revolution, in his letter to the President of the old Congress, written as President of the convention which formed this compact, thus speaks on this subject:

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"It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests."

The debates of that period will show that the effect of the slave votes upon the political influence of this part of the country, and the anticipated variation of the weight of power to the west, were subjects of great and just jealousy to some of the best patriots in the northern and eastern States. Suppose, then, that it had been distinctly foreseen that in addition to the effect of this weight the whole population of a world beyond the Mississippi was to be brought into this and the other branch of the legislature, to form our laws, control our rights, and decide our destiny. Sir, can it be pretended that the patriots of that day would for one moment have listened to it?

They were not madmen. They had not taken degrees at the hospital of idiocy. They knew the nature of man and

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the effect of his combinations in political societies. They knew that when the weight of particular sections of a confederacy was greatly unequal, the resulting power would be abused; that it was not in the nature of man to exercise it with moderation. The very extravagance of the intended use is a conclusive evidence against the possibility of the grant of such a power as is here proposed. Why, sir, I have already heard of six States, and some say there will be, at no great distance of time, more. I have also heard that the mouth of the Ohio will be far to the east of the centre of the contemplated empire.

If the bill is passed, the principle is recognized. All the rest are mere questions of expediency. It is impossible such a power could be granted. It was not for these men that our fathers fought. It was not for them this constitution was adopted.

You have no authority to throw the rights and liberties and property of this people into "hotch-pot" with the wild men on the Missouri, nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo-Americans who bask on the sands in the mouth of the Mississippi. I make no objection to these from their want of moral qualities or political light. The inhabitants of New Orleans are, I suppose, like those of all other countries, some good, some bad, some indifferent.

As then the power in this bill, proposed to be usurped, is neither to be drawn from the general nature of the instrument nor from the clause just examined, it follows that if it exist anywhere it must result from the treaty-making power. This the gentleman from Tennessee [Mr. Rhea] asserts, but the gentleman form North Carolina [Mr. Macon] denies, and very justly; for what a monstrous position is

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this, that the treaty-making power has the competency to change the fundamental relations of the constitution itself! —that a power under the constitution should have the ability to change and annihilate the instrument from which it derives all its power. And if the treaty-making power can introduce new partners to the political rights of the States, there is no length, however extravagant or inconsistent with the end, to which it may not be wrested. The present President of the United States, when a member of the Virginia convention for adopting the constitution, expressly declared that the treaty-making power has limitations; and he stated this as one, "that it cannot alienate any essential right."

Now, is not here an essential right to be alienated? — the right to that proportion of political power which the constitution has secured to every State, modified only by such internal increase of States as the existing limits of the Territories, at the time of the adoption of the constitution, permitted.

The debates of that period chiefly turned upon the competency of this power to bargain away any of the old States. It was agreed at that time that by this power old States within the ancient limits could not be sold from us. And I maintain that by it new States without the ancient limits cannot be saddled upon us. It was agreed at that time that the treaty-making power "could not cut off a limb." And I maintain that neither has it the competency to clap a hump upon our shoulders.

The fair proportions devised by the constitution are in both cases marred; and the fate and felicity of the political being, in material particulars related to the essence of his constitution, affected. It was never pretended by the most

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enthusiastic advocates for the extent of the treaty-making power that it exceeded that of the king of Great Britain. Yet I ask, suppose that monarch should make a treaty stipulating that Hanover or Hindostan should have a right of representation on the floor of Parliament, would such a treaty be binding? No, sir, not as I believe, if a House of Commons and of Lords could be found venal enough to agree to it. But, although in that country the three branches of its legislature are called omnipotent, and the people might not deem themselves justified in resistance, yet here there is no apology of this kind. The limits of our power are distinctly marked, and when the three branches of this government usurp upon this constitution in particulars vital to the liberties of this people the deed is at their peril.

I have done with the constitutional argument. Whether I have been able to convince any member of this House, I am ignorant, I had almost said indifferent. But this I will not say, because I am indeed deeply anxious to prevent the passage of this bill. Of this I am certain, however, that when the dissensions of this day are passed away, when party spirit shall no longer prevent the people of the United States from looking at the principle assumed in it independent of gross and deceptive attachments and antipathies, the ground here defended will be acknowledged as a high constitutional bulwark, and the principles here advanced will be appreciated.

I will add one word touching the situation of New Orleans. The provision of the treaty of 1803, which stipulates that it shall be "admitted as soon as possible," does not, therefore, imply a violation of the constitution. There are ways in which this may constitutionally be effected, by an

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amendment of the constitution or by reference to conventions of the people in the States.

And I do suppose that in relation to the objects of the present bill (the people of New Orleans) no great difficulty would arise. Considered as an important accommodation to the western States, there would be no violent objection to the measure. But this would not answer all the projects to which the principle of this bill, when once admitted, leads and is intended to be applied. The whole extent of Louisiana is to be cut up into independent States to counterbalance and to paralyze whatever there is of influence in other quarters of the Union. Such a power, I am well aware, the people of the States would never grant you. And therefore, if you get it, the only way is by the mode adopted in this bill — by usurpation.

The objection here urged is not a new one. I refer with great delicacy to the course pursued by any member of the other branch of the legislature; yet I have it from such authority that I have an entire belief of the fact that our present minister in Russia, then a member of that body when the Louisiana treaty was under the consideration of the Senate, although he was in favor of the treaty, yet expressed great doubts on the ground of constitutionality in relation to our control over the destinies of that people and the manner and the principles on which they could be admitted into the Union. And it does appear that he made two several motions in that body, having for their object, as avowed and as gathered from their nature, an alteration in the constitution to enable us to comply with the stipulations of that convention.

I will add only a few words in relation to the moral and political consequences of usurping this power. I have said

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that it would be a virtual dissolution of the Union; and gentlemen express great sensibility at the expression. But the true source of terror is not the declaration I have made, but the deed you propose. Is there a moral principle of public law better settled or more conformable to the plainest suggestions of reason than that the violation of a contract by one of the parties may be considered as exempting the other from its obligations?

Suppose, in private life, thirteen form a partnership and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership after so palpable an infringement of their rights?

How much more, in the political partnership, where the admission of new associates without previous authority is so pregnant with obvious dangers and evils! Again, it is settled as a principle of morality, among writers on public law, that no person can be obliged beyond his intent at the time of the contract. Now, who believes, who dare assert, that it was the intention of the people, when they adopted this constitution, to assign eventually to New Orleans and Louisiana a portion of their political power, and to invest all the people those extensive regions might hereafter contain with an authority over themselves and their descendants?

When you throw the weight of Louisiana into the scale you destroy the political equipoise contemplated at the time of forming the contract. Can any man venture to affirm that the people did intend such a comprehension as you now, by construction, give it? Or can it be concealed that beyond its fair and acknowledged intent such a compact has no moral force? If gentlemen are so alarmed at the bare mea-

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tion of the consequences, let them abandon a measure which sooner or later will produce them.

How long before the seeds of discontent will ripen no man can foretell. But it is the part of wisdom not to multiply or scatter them. Do you suppose the people of the northern and Atlantic States will or ought to look on with patience and see representatives and senators from the Red River and Missouri pouring themselves upon this and the other floor, managing the concerns of a seaboard fifteen hundred miles at least from their residence, and having a preponderancy in councils into which, constitutionally, they could never have been admitted? I have no hesitation upon this point. They neither will see it, nor ought to see it, with content. It is the part of a wise man to foresee danger and to hide himself.

This great usurpation which creeps into this House under the plausible appearance of giving content to that important point, New Orleans, starts up a gigantic power to control the nation. Upon the actual condition of things there is, there can be, no need of concealment. It is apparent to the blindest vision. By the course of nature and conformable to the acknowledged principles of the constitution the sceptre of power in this country is passing towards the northwest. Sir, there is to this no objection. The right belongs to that quarter of the country. Enjoy it; it is yours. Use the powers granted as you please. But take care in your haste after effectual dominion not to overload the scale by heaping it with these new acquisitions. Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this constitution. Already the old States sink in the estimation of members when brought into comparison with these new countries.

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We have been told that "New Orleans was the most important point in the Union." A place out of the Union, the most important place within it! We have been asked, "What are some of the small States when compared with the Mississippi Territory?" The gentleman from that Territory [Mr. Poindexter] spoke the other day of the Mississippi as "of a high road between"— good heavens! between what? Mr. Speaker — why, "the eastern and western States!" So that all the northwestern Territories, all the countries once the extreme western boundary of our Union, are hereafter to be denominated eastern States!

[Mr. Poindexter explained. He said that he had not said that the Mississippi was to be the boundary between the eastern and western States. He had merely thrown out a hint that in erecting new States it might be a good high road between the States on its waters. His idea had not extended beyond the new States on the waters of the Mississippi.]

I make no great point of this matter. The gentleman will find in the "National Intelligencer" the terms to which I refer. There will be seen, I presume, what he has said and what he has not said. The argument is not affected by the explanation. New States are intended to be formed beyond the Mississippi. There is no limit to men's imaginations on this subject short of California and Columbia River.

When I said that the bill would justify a revolution and would produce it, I spoke of its principle and its practical consequences. To this principle and those consequences I would call the attention of this House and nation. If it be about to introduce a condition of things absolutely insupportable, it becomes wise and honest men to anticipate the evil and to warn and prepare the people against the event.

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I have no hesitation on the subject. The extension of this principle to the States contemplated beyond the Mississippi cannot, will not, and ought not to be borne. And the sooner the people contemplate the unavoidable result the better, the more likely that convulsions may be prevented, the more hope that the evils may be palliated or removed.

Mr. Speaker, what is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, and to partake the common blessings of God's providence? The beasts of the field and the birds of the air unite with us in such privileges as these. But man boasts a purer and more ethereal temperature. His mind grasps in its view the past and future as well as the present. We live not for ourselves alone.

That which we call liberty is that principle on which the essential security of our political condition depends. It results from the limitations of our political system prescribed in the constitution. These limitations, so long as they are faithfully observed, maintain order, peace, and safety. When they are violated in essential particulars all the concurrent spheres of authority rush against each other, and disorder, derangement, and convulsion are, sooner or later, the necessary consequences.

With respect to this love of our Union, concerning which so much sensibility is expressed, I have no fear about analyzing its nature. There is in it nothing of mystery. It depends upon the qualities of that Union, and it results from its effects upon our and our country's happiness. It is valued for "that sober certainty of waking bliss" which it enables us to realize. It grows out of the affections, and has not, and cannot be made to have, anything universal in its nature. Sir, I confess it, the first public love of my heart is

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the Commonwealth of Massachusetts. There is my fireside; there are the tombs of my ancestors —

> "Low lies that land, yet blest with fruitful stores,
> Strong are her sons, though rocky are her shores;
> And none, ah! none, so lovely to my sight,
> Of all the lands, which heaven o'erspreads with light."

The love of this Union grows out of this attachment to my native soil and is rooted in it. I cherish it because it affords the best external hope of her peace, her prosperity, her independence. I oppose this bill from no animosity to the people of New Orleans, but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. I have no concealment of my opinion. The bill, if it passes, is a death-blow to the constitution. It may afterwards linger, but, lingering, its fate will at no very distant period be consummated.

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LYNDHURST

JOHN SINGLETON COPLEY, LORD LYNDHURST, an English lord chancellor, was born in Boston, Massachusetts, May 21, 1772. He was the son of the famous artist Copley, who returned to England soon after the child's birth, and was joined there by his wife and family shortly after the opening of the American war in 1775. The lad was educated at Trinity College, Cambridge University, and in 1795 visited his native city in the hope of regaining possession of an estate on Beacon Hill which had belonged to his father. He was unsuccessful in this matter and did not therefore carry out his previous intention of remaining in the United States and of possibly taking up the occupation of farming. Through the generosity of his brother-in-law, a Boston merchant, he was enabled to pursue his law studies at the Middle Temple, and in 1804 was called to the bar. For a long time, however, he met with little encouragement in his profession, and the death of his father in 1815 not only threw upon him the support of his mother and her family, but also the burden of the artist's debts, which were considerable, and which the son felt in honor bound to assume. But in another year Copley's abilities began to win due recognition, and in 1818 he entered Parliament as member for Yarmouth on the Isle of Wight. He had now become generally recognized as one of the greatest lawyers of his time, and after being appointed solicitor-general and attorney-general in 1824 he was raised to the peerage as Baron Lyndhurst in 1826 and created lord chancellor. He held this high position for four years at this time, and in subsequent years twice filled the same responsible post. His death took place in his ninety-second year at Tunbridge Wells, October 12, 1863. Lyndhurst was not only one of the most eminent of English lawyers but one of the greatest English orators as well. He preserved his rare powers undiminished to the end, and his last speech in the House of Lords, delivered a few days before his ninetieth birthday, displayed the same clear, logical reasoning and vigorous eloquence always characteristic of him. He was remarkably handsome, his voice unusually fine, while his manners afforded a rare blending of dignity and courtesy.

SPEECH ON THE WAR WITH RUSSIA

DELIVERED IN THE HOUSE OF LORDS, JUNE 19, 1854

MY LORDS,—I presume many of your lordships have read the important document to which the notice refers. It is a memorandum sent by the Cabinets of Vienna and Berlin to their envoys at the Diet of Frank-

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fort, with directions to present it to that body. It states the course of policy which has been pursued by the four Powers, with respect to the Eastern question; and the object of the communication was to obtain the approval and sanction of the Diet to that policy.

The paper has not been laid upon your lordships' table, and, being a document between foreign States, it could not, perhaps, in point of form, have been laid upon the table, at least not in the usual manner; but it has been published in the official journals of Vienna, Berlin, Frankfort, and Paris, and I believe in most of the journals throughout the Continent. It is a matter, therefore, of general notoriety.

The paper has given rise to much discussion, both on the Continent and in this country, and has created no inconsiderable degree of anxiety and uneasiness. It is upon these grounds that I have felt it my duty to submit it to the attention of your lordships and of her Majesty's government, in order that we may receive some distinct explanation and come to a clear understanding as to the policy to which it relates.

It is of so much importance to be accurate upon a subject of this nature that I must beg leave to read those parts of the document to which I refer. The first passage to which I am about to call your lordships' attention is in these words —

"Both Cabinets have agreed with those of Paris and London in the conviction that the conflict between Russia and Turkey could not be prolonged without affecting the general interests of Europe and those also of their own States. They acknowledged in common that the maintenance of the integrity of the Ottoman Empire and the independence of the Sultan's government are necessary conditions of the political balance, and that the war should, under no circumstances, have for result any change in existing territorial positions."

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Now, my lords, I apprehend it to be clear that, according to the true interpretation of this passage, when it is stated that "the war should, under no circumstances, have for result any change in existing territorial positions," it must mean territorial positions as between Turkey on the one side, and Russia on the other. This may not, perhaps, be expressed with so much precision as to be perfectly free from doubt; but any such doubt will be effectually removed by referring to the protocol of the fifth of December, to which the paper relates. In that instrument the four Powers express themselves thus —

"In fact, the existence of Turkey in the limits assigned to her by treaty is one of the necessary conditions of the balance of power in Europe, and the undersigned plenipotentiaries record with satisfaction that the existing war cannot in any case lead to modifications in the territorial boundaries of the two empires which would be calculated to alter the state of possession in the East established for a length of time, and which is equally necessary for the tranquillity of all the other Powers."

It would appear, therefore, that, according to the agreement between the four Powers, as stated in these documents, no alteration is to take place, whatever may be the result of the war, in the territorial limits between Turkey on the one side, and Russia on the other. In other words, that their principle is this — that in every event the *status quo ante bellum*, so far as relates to territorial position between the two Powers, is to remain unchanged.

But, my lords, it may be said, and properly said, that the protocol upon which this passage is founded was signed before the western Powers had engaged in the war. Undoubtedly that is so; but after that event, and in this

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new state of things, the representatives of the four Powers again met for the purpose of confirming what they had previously done; and upon that occasion they stated in distinct terms that they adhered to the principles upon which the former protocols had been founded.

It seems, therefore, extremely difficult to come to any other conclusion than that which I have before stated, namely, that whatever may be the result of the war, it must terminate by leaving Russia and Turkey precisely in the same state, as to territorial limits, in which they stood previous to the commencement of hostilities; and this is further confirmed by a passage, which I am about to read, in the memorandum sent to the Diet —

"The last of the protocols shows that, although France and Great Britain have entered into the war against Russia, the four Cabinets invariably adhere to the principle proclaimed heretofore by them in common, and have united in regard to the basis on which to deliberate as respects the appropriate means for obtaining the object of their endeavors."

The result, therefore, seems to be that in every event the principle of maintaining the *status quo* is to be adhered to. That this is the principle upon which Austria and Prussia are acting is sufficiently obvious; for, if Russia were now to withdraw from the Principalities, and at the same time consent to a guarantee with respect to the independence of the Sultan and the integrity of the Ottoman Empire, neither Austria nor Prussia would, as it is affirmed, take any active part in the contest. And, if that be so with respect to these two Powers, and who state they are acting in concert and on one common principle with England and France, it seems to follow, and I must so conclude, unless I hear something

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satisfactory to the contrary from my noble friend opposite, that, whatever be the course and events of the war, the *status quo* as to the limits of the two empires of Russia and Turkey is to be maintained. And it is in order to obtain some explanation, and to come to a clear understanding on this material question, that I have thought it my duty to submit it to your attention.

But, my lords, it is not a little singular that Austria herself appears to show a disposition to act in one instance at least inconsistently with this principle; and I feel it difficult to reconcile the part of the paper to which I am about to allude with that to which I have already referred. I beg your lordships' attention as to what is said as to the Danube. The free navigation of that river is stated by Austria to be of the utmost importance, not to her territory and her subjects alone, but to the whole of Central Germany. This is enlarged upon in the strongest terms, but not in terms by any means stronger than the importance of the subject warrants. The paper runs thus —

"It seems to be a requirement of the political position of Germany, an element of her conservative policy, a condition of her national development, of her national wealth, that in the countries of the lower Danube there should exist a well-regulated state of affairs suitable to the interests of Central Europe."

And again —

"The material interests of Germany are susceptible of most powerful elevation through the great water channels to the East; and it is thence generally incumbent on Germany to secure as much as possible the freedom of Danubian commerce, and not to witness the material animation of water communications with the East repulsed by restrictions."

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Let me, then, request your attention for a moment to the actual state of that river, and to the circumstances under which it is and has been long placed. This review will lead to the conclusion that Austria cannot herself be satisfied with the *status quo* as to this important territorial position. We all know that by the treaty of Adrianople — that unfortunate treaty, I must call it, of Adrianople — Russia secured to herself both banks of the Danube; the one she held in absolute right, the other was placed substantially under her exclusive control. She also obtained the right of establishing a quarantine on one of the islands in the Danube.

Thus possessed of the sole and absolute control of that river, from its mouth to a considerable distance upwards, she has so managed as to impede in the most effectual manner the free course of its navigation; and, further, by engrafting strict police regulations on the quarantine establishment, to interfere with the freedom of personal communication in that district. Remonstrance after remonstrance has been addressed to her by Austria, by England and other European Powers without effect; and it is obvious, judging from the past, that unless Russia is removed from her present position, and her limits at this point undergo a material change, it will be impossible to ensure for the future the free and unimpeded navigation of the Danube.

It is supposed, and seems to be thrown out incidentally, but vaguely and obscurely, in this paper, that this object may be secured by some treaty or convention. My Lords, I have no faith in a treaty upon this subject entered into with Russia. There was a treaty relating to it for several years between Austria and that Power, but which, I believe, has now expired. Russia undertook to keep the course of the Danube free from impediment, and Austria, in consideration

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of this, engaged to pay a toll upon her ships passing down the river. But what has been the conduct of Russia? She has enforced the payment of the toll, but has not only done nothing to keep the course of the Danube free from impediments, but has connived at, if not encouraged, every obstruction to its course, apparently with the view of favoring her rival port of Odessa.

At the time when the Turks were in possession of the river, they, by a very simple process, managed to keep the navigation clear; and when it passed from their possession the depth of the water at the mouth of the river was upwards of sixteen feet — it is now reduced to about nine. By requiring that a kind of iron harrow or drag should be attached to each vessel going down the stream, thus loosening the mud for the action of the river, they kept the navigation free.

Applications have been repeatedly made to Count Nesselrode and to other authorities to adopt the same mode of proceeding, but they have always refused or evaded, under different pretexts, to resort to these simple means. It was pretended that an apparatus of a more effectual kind was preparing for the purpose of accomplishing the object. After a long delay the intended instrument arrived at Odessa; after a still further delay it was set to work, and it turned out, as had been foretold, not only to be ineffectual, but to increase the evil it was intended to remedy. It soon got out of order and was abandoned.

If any noble lord should wish for further details on this subject I exhort him most earnestly to read the papers that were laid last year on the table of your lordships' House with respect to the Sulina mouth of the Danube. They will be found to afford a lively picture of the shuffling, evasive,

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and, if I might apply such terms to persons in high and exalted stations, I would say tricking and mendacious, diplomacy of the court of St. Petersburg. Is it not, then, evident from these facts that it has become absolutely necessary that a change should take place in the state of territorial possession at the mouth of the Danube; that such an alteration is required for securing that most important, and, I may add, necessary object on which so much reliance is justly placed by Austria and Germany, namely, the free and uninterrupted navigation of this great river? Those Powers must be convinced that this object can only be obtained and effectually secured by a departure from the principle of the *status quo* in this district.

Leaving, then, the western side of the Black Sea, I beg your lordships to pass with me to its eastern shore. We have shut up the Russian fleet in the harbor of Sebastopol. It has the mortification of feeling that it cannot encounter the combined force without the certainty of entire destruction. All the Russian establishments on the Circassian coast, from Anapa to its southern extremity, have in consequence been deserted or destroyed. The chain of forts which during the last fifty years the government had been employed in constructing at a vast expense, as a defence against the incursions of the brave mountaineers of that district, and with a view to their ultimate subjugation, as well as for the further purpose of recruiting their armies and transmitting military stores to her south Caucasian possessions, have been levelled with the ground. Can it be possible, then, that, unless forced by the most disastrous events, we should consent to place Russia again in possession of this coast? We have supplied the brave population with arms, we have encouraged them to take an active part in the

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war against the common enemy. To abandon them to his vengeance would be not only an act of the grossest cruelty and injustice to this simple and heroic race, but, as your lordships must feel with me, an act of deep disgrace and infamy.

I will now, my lords, pass from these particulars to the more general question. From the earliest period, from the time of the Empress Catherine down to the present day, Russia has considered Turkey as her destined prey. Every war between these Powers has ended in the steady advance of Russia towards the accomplishment of her purpose, and we now know, from what has lately come to light, that she considers the victim to be almost within her grasp, and it is evident she will persevere with the constancy habitual to her in endeavors to seize and secure it. But, my lords, if the situation of Russia is to undergo no change at the termination of the present contest, what will be her actual position with respect to Turkey? I do not wish upon this point that you should rely upon any opinion or statement of mine; but will refer to an authority above all exception, that of Count Nesselrode himself.

Some time after the conclusion of the treaty of Adrianople, Count Nesselrode wrote to the Grand Duke Constantine, at Warsaw, to give an account of the particulars of that treaty, and of the relative situation of Russia and Turkey in consequence of it. A reference to that despatch will place before you in a striking manner the future position of Turkey if the *status quo* should be adopted. He expresses himself in these terms —

"The Turkish monarchy is reduced to such a state as to exist only under the protection of Russia, and must comply in future with her wishes."

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Then, adverting to the Principalities, he says —

"The possession of these Principalities is of the less importance to us as, without maintaining troops there, which would be attended with considerable expense, we shall dispose of them at our pleasure, as well during peace as in time of war. We shall hold the keys of a position from which it will be easy to keep the Turkish government in check, and the Sultan will feel that any attempt to brave us again must end in his certain ruin."

If this description be correct, and who can question its accuracy, Turkey will thus be left at the mercy of Russia whenever the state of Europe shall be such as to enable that Power to avail herself of the advantage of her position, either for further encroachment or for the attainment of the ultimate object of her ambition — the entire subjugation of the European dominions of the Sultan. In what manner Russia is likely to act under such circumstances I might, perhaps, safely leave your lordships to conclude, and certainly will not trouble you with any observations of my own respecting it, but refer you, as I have before done, to approved Russian authority — to that of Prince Lieven, for many years the representative of Russia at this court. In answer to a letter from Count Nesselrode, who had consulted him by command of the Emperor upon his projected attack upon Turkey, he expresses himself thus —

"Our policy must be to maintain a reserved and prudent attitude until the moment arrives for Russia to vindicate her rights, and for the rapid action which she will be obliged to adopt. The war ought to take Europe by surprise. Our movements must be prompt, so that the other Powers should find it impossible to be prepared for the blow that we are about to strike."

But Prince Lieven was one only of the persons consulted upon this occasion. The Emperor was desirous of knowing

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what opposition he was likely to meet with from the other Powers individually, and what chance there was of a combination against him should he persevere in the execution of his design. The most detailed, and at the same time the most able, of the secret despatches transmitted to St. Petersburg upon the occasion, was from Count Pozzo di Borgo, an adopted Russian, not an over-scrupulous, but a very keen and subtle diplomatist. He was intimately acquainted with this country and its policy, and was at that time the representative of Russia at Paris.

This paper cannot be read at the present time without a feeling of curiosity and deep interest. He adverts to the different Powers in succession, beginning with this country, and says:

"England has recovered from her commercial and financial crisis, and is in a condition to oppose us, and possibly may take that course. She may in that event do us considerable injury, but not of such a nature as to be wholly irremediable. She cannot, however, alone obstruct our designs or oppose the march of our armies."

His conclusion, therefore, is that the single opposition of this country could not stand in the way of the accomplishment of the Emperor's designs.

He then comes to France, and, after some curious and amusing comments upon M. de Villele, the minister of that country, considers what would be the probable effect of the union of France and England in opposition to the projected enterprise. Whatever, he says, can be done by a superior naval force can be effected by England alone; the addition, therefore, of the maritime means of France will not be material; and, as to her military power, she will be prevented from using it with any effect against us by reason of her

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geographical, moral, and political position. "Where," he observes, "is she to find a field of battle to oppose us; and," he adds, with an expression of triumph, "her armies well know what they have to expect if they come in collision with ours." What is to be the result of that collision at the present day must soon appear, and may, and I trust will, disappoint the confident anticipations of the Russian diplomatist.

Having thus disposed of England and France, he proceeds next to consider whether anything is to be apprehended from Austria. Prince Metternich, that experienced, sagacious and clear-sighted statesman, had endeavored, but without success, to awaken attention to the designs of Russia, and to form some sort of union against her. The attempt had excited the strongest feeling of resentment and indignation against that eminent person. Accordingly his policy was decried, his schemes ridiculed, and the power of Austria treated with contempt. One short sentence disposed of the whole: "To every country," said the Russian diplomatist, "war is a calamity; to Austria it would be certain ruin." Thus far then, according to this statement, there appeared to be no serious impediment to the aggressive designs of Russia.

I hear it whispered near me — you have forgotten Prussia. Far from it! I have reserved her as a pattern of constancy in political connection, and which would be most praiseworthy in connections of a different description. My noble friend opposite must possess some powerful attractive force to have torn asunder or dissolved the strong cohesion between these two Powers, Russia and Prussia. Read what Pozzo di Borgo says of Prussia. With what an affectionate sneer he treats that government. It can scarcely be considered as irony, it is so broad and undisguised —

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"Prussia, being less jealous and consequently more impartial, has constantly shown by her opinions that she has a just idea of the nature and importance of the affairs of the East, and, if the Court of Vienna had shared her views and her good intentions there can be no doubt that the plan of the Imperial Cabinet would have been accomplished."

Fortunate it is for Europe and the world that she has not shared her views upon the present occasion, but, on the contrary, has persuaded Prussia to adopt a more wise and generous policy.

At a subsequent period Count Nesselrode, in the despatch to which I have already referred, speaking of what I may call Prussia's subserviency to the Emperor, expresses himself in these terms —

"The Count Alopeus transmits to us the most positive assurances, which leave no doubt touching the favorable dispositions on which Russia may reckon on the part of Prussia, whatever may be the ultimate course of events."

These passages present a striking picture of the cautious policy, and at the same time of the industry, unwearied activity, and energy of the Russian government. Acting upon these opinions, the invasion of the Principalities, after a short but necessary interval, was decided upon, and the armies of Russia, without opposition from any European Power, passed the Balkan and dictated the degrading and disastrous terms of the treaty of Adrianople.

Place Russia there, upon the termination of the present war in the position she then held, and which is so forcibly described by Count Nesselrode in his secret despatch to the Grand Duke, and what can you reasonably expect, when a convenient opportunity occurs, but further encroachments on the Sultan, and ultimately the entire subjugation of the European portion of his Empire?

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But, then, this paper refers to some projected guarantee — some treaty, to which the four Powers and Russia are to be parties, for the maintenance of the independence of the Sultan and the integrity of the Ottoman Empire. Now, my lords, I fully admit, as to the four Powers, that as long as they continue united in friendship and policy, such a guarantee might afford effectual security against the ambitious designs of Russia; but, if circumstances should occur to disturb this union, and, in the ever-varying events of the world, to create rival or hostile feelings between them, there would at once be an end of this security. And as to the guarantee of Russia, or the obligation of any treaty into which she might enter, who is to be found so weak, so credulous, as to place the least reliance upon it? It would be utterly valueless; not worth the paper upon which it was written.

As to trusting in this Power, whether we look to recent or more remote events, we come to the same conclusion. Sir Hamilton Seymour, our able and observant minister at St. Petersburg, had learned from various authentic sources that large bodies of Russian troops were moving toward the Turkish frontiers. In communicating upon this matter with Count Nesselrode he was told by that minister that he must have been misinformed; that these movements were nothing more than a change of quarters, usual at that season of the year. In commenting upon this statement Sir Hamilton Seymour observes, in his despatch to my noble friend, that he found it impossible to reconcile the facts which had come to his knowledge with the assurances of the Russian minister. The result abundantly proved the correctness of the information.

In the course of an interesting conversation that occurred

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in this House some weeks since, a noble friend of mine on the cross-bench enlarged with much eloquence and in a strain of high feeling upon the unworthiness of entertaining doubts of the integrity and honor of illustrious persons with whom we were negotiating in matters of public and national interest. I listened with pleasure to the charms of his brilliant declamation, which reminded me forcibly of former days, but remained unconvinced by his reasoning.

In the intercourse of private life, liberal confidence in those with whom we converse and associate is the characteristic of a gentleman; but in the affairs of nations, where the interests and welfare of millions are at stake, where the rise or fall of empires may depend upon the issue, those who are entrusted with the conduct of such negotiations must be guided by a different and a stricter rule. Their duty in such a position is to exercise caution, vigilance, jealousy. "Oh, for the good old parliamentary word 'jealousy,'" exclaimed Mr. Fox, in one of those bursts of feeling so usual with him, "instead of its modern substitute, 'confidence.'" And if such be the true policy, which I think it is as between Parliament and the ministers of the Crown, how much more ought it to prevail in the conflicting affairs of nations, where such mighty interests are concerned. If confidence, with its natural tendency, should sink into credulity, to what disastrous results might it not lead?

But in the case of Russia in particular, and in negotiations with that government, nothing but the extreme of blindness and credulity could lead to a departure from these principles. The whole series of her history, from the earliest period to the present day, has been one long-continued course of fraud and perfidy, of stealthy encroachment, or open and unblushing violence — a course characteristic of a barbarous race, and,

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whether at St. Petersburg or Tobolsk, marking its Asiatic origin. To go back to the reign of the Empress Catherine, we find her policy in one striking particular corresponding with that of the present Emperor, and which policy may, in truth, be traced back to the Czar Peter. She ostentatiously proclaimed herself the protector of the Greek Church in Poland, fomented religious dissensions among the people, and, under pretence of putting an end to disorders which she had herself created, sent a large military force into the country and gradually stripped it of some of its fairest possessions. I need not add a word as to the ultimate and disastrous issue of these intrigues — the impression they created is strong and will be lasting.

With a like policy in the Crimea, the independence of which country had been settled by treaty, she set up a prince whom she afterwards deposed, and, amidst the confusion thus created, entered the country with an army under the command of one of the most brutal and sanguinary of her commanders, and, having slaughtered all who opposed her, annexed this important district permanently to the Russian empire. While these proceedings were going on, she prevented by means of her fleet all communication with Constantinople, being at peace with the Sultan, with whom she was at that time negotiating a treaty of commerce.

I pass over the extensive conspiracy in which Russia was engaged with Persia and other Powers in the East in the years 1834 and 1835 against this country, while she professed to be on terms of the closest friendship with us. These scandalous transactions were strenuously denied by Count Nesselrode to our minister at St. Petersburg, but were afterwards conclusively established by Sir Alexander Burnes and by our consul at Candahar. To enter into details upon this com-

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plicated subject would lead me too far from my present object.

But I cannot forbear adverting to the designs of Russia upon Khiva, an inconsiderable place in the desert east of the Caspian. I recollect the expressions of Mr. Pitt in alluding to Bonaparte, who, after taking possession of Malta, seized a barren rock in the Mediterranean on his passage to Egypt: "Nothing," he exclaimed, "is too vast for the temerity of his ambition, nothing too small for the grasp of his rapacity" — expressions no less applicable to the restless and insatiable ambition of Russia. Russia sacrificed two armies in endeavoring to reach this remote place. For what purpose? Not with a view to any beneficial trade, but evidently as a convenient centre from which to form combinations and carry on intrigues for the disturbance of our Eastern empire. She has at length, by sending an expedition in a different direction, succeeded in obtaining a footing in that district, the preparations for the enterprise having been made while she was in apparent friendship with our government.

As to Turkey, it is now known from recent disclosures that while the Emperor Nicholas was amusing the Sultan with smooth words and expressing the strongest desire to maintain her independence, he was secretly plotting her destruction and the partition of her empire.

Again, my lords, assurances were given that Prince Menchikoff's mission related solely to the settlement of the question of the Holy Places; but while thus engaged he endeavored by menaces to force the Turkish government into a secret convention, the effect of which would have been to make the Emperor joint sovereign with the Sultan. It was afterwards admitted by Count Nesselrode, in contradic-

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tion to what he had before stated, that the Emperor regarded this as the most important object of the mission.

After this review of the deceptive policy of Russia, and these instances of her total disregard of national faith, instances which might have been carried to a much greater extent, I ask with confidence what reliance can be placed upon any engagement or guarantee into which she may enter, should it at any moment become her interest, or should she consider it her interest, to disregard it.

But Russia, carrying diplomacy to the extremest point of refinement, has introduced a new and significant term into that mysterious science, namely, the term "material guarantee." If the Emperor will give a guarantee of this description, something solid and substantial, as a pledge of his fidelity — something that he would be unwilling to forfeit — such a guarantee might enable us to hope for a secure and lasting peace; but to rely upon a mere paper guarantee — a mere pledge of his imperial word — would, your lordships must feel, be the extreme of folly and weakness.

I may possibly be asked, What are your views, what do you look forward to as the results of this great struggle? My answer is that I cannot, in my position, presume to offer an opinion upon such a subject. It is obvious that these results must depend upon the events, the contingencies of the war. But I may venture to say negatively that, unless compelled by the most unforeseen and disastrous circumstances, we ought not to make peace until we have destroyed the Russian fleet in the Black Sea, and razed the fortifications by which it is protected. As long as Russia possesses that fleet and retains that position, it will be idle to talk of the independence of the Sultan — Russia will continue to hold Turkey in subjection and compel her to yield obedience to her will.

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What course Austria will finally pursue, however I may hope, I will not venture to predict. She has far more at stake in this conflict than either England or France. Should Russia succeed in retaining the Principalities, and in increasing her influence on the southern frontier of Austria, the independence of that empire will be at an end. If this overgrown and monstrous power, extending over so many thousand miles from west to east, pressing as it does on the northern boundary of Austria, should coil itself round her eastern and southern limits, she must yield to its movements or be crushed in its folds.

What Russia may further attempt if successful in her present efforts, time alone can disclose. That she will not remain stationary we may confidently predict. Ambition, like other passions, grows by what it feeds upon. Prince Lieven, in the despatch to Count Nesselrode, to which I before alluded, says —

"Europe contemplates with awe this colossus, whose gigantic armies wait only the signal to pour like a torrent upon her kingdoms and states."

If this semi-barbarous people, with a government of the same character, disguised under the thin cover of a showy but spurious refinement — a government opposed to all beneficial progress and improvement, and which prohibits by law the education of the great body of its subjects — a despotism the most coarse and degrading that ever afflicted mankind — if this power with such attributes should establish itself in the heart of Europe (which may Heaven in its mercy avert!) it would be the heaviest and most fatal calamity that could fall on the civilized world.

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RANDOLPH

JOHN RANDOLPH, of Roanoke, a famous American statesman and orator, was born at Cawsons, Virginia, June 2, 1772. He was educated at Princeton and Columbia Colleges, studied law, and in 1797 was elected to Congress as a Democratic representative. With the exception of two terms he remained in Congress twenty-five years, and was the most conspicuous man in the House, as much for his eccentricities of dress, manner, and speech, as for his wit, eloquence, and biting sarcasm. His speeches were always listened to with the deepest attention. It was characteristic of him to stand pointing a lean forefinger threateningly at his opponents of the moment, and uttering the most vehement, fiery denunciations in a shrill, piping voice. He defended State rights and was at first a partisan of Jefferson's, but presently drew away from his early associates and vehemently opposed the embargo, the election of Madison, the second war with England, and the Missouri compromise. He was a United States senator 1825-27, and at this time a quarrel with Henry Clay resulted in their meeting in a duel. He was appointed minister to Russia in 1830 and was again elected to Congress in 1832, but illness prevented him from taking his seat, and he died in Philadelphia, June 24, 1833. His "Letters to a Young Relative" were published in 1834.

ON FOREIGN IMPORTATIONS

[Delivered March 5, 1806, on a motion for the non-importation of British merchandise, offered by Mr. Gregg in the House of Representatives during the dispute between Great Britain and the United States.]

I AM extremely afraid, sir, that so far as it may depend on my acquaintance with details connected with the subject I have very little right to address you: for in truth I have not yet seen the documents from the treasury, which were called for some time ago, to direct the judgment of this House in the decision of the question now before you; and indeed, after what I have this day heard, I no longer require that document, or any other document; indeed, I do not know that I ever should have required it, to vote on the resolution of the gentleman from Pennsylvania. If I had entertained any doubts, they would have been removed by the style in

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which the friends of the resolution have this morning discussed it.

I am perfectly aware that upon entering on this subject we go into it manacled, handcuffed, and tongue-tied. Gentlemen know that our lips are sealed in subjects of momentous foreign relations which are indissolubly linked with the present question, and which would serve to throw a great light on it in every respect relevant to it. I will, however, endeavor to hobble over the subject as well as my fettered limbs and palsied tongue will enable me to do it.

I am not surprised to hear this resolution discussed by its friends as a war measure. They say, it is true, that it is not a war measure; but they defend it on principles which would justify none but war measures, and seem pleased with the idea that it may prove the forerunner of war. If war is necessary, if we have reached this point, let us have war.

But while I have life I will never consent to these incipient war measures which in their commencement breathe nothing but peace, though they plunge us at last into war.

It has been well observed by the gentleman from Pennsylvania behind me [Mr. J. Clay], that the situation of this nation in 1793 was in every respect different from that in which it finds itself in 1806. Let me ask, too, if the situation of England is not since materially changed? Gentlemen, who, it would appear from their language, have not got beyond the horn-book of politics, talk of our ability to cope with the British navy and tell us of the war of our Revolution.

What was the situation of Great Britain then? She was then contending for the empire of the British Channel, barely able to maintain a doubtful equality with her enemies, over whom she never gained the superiority until Rodney's victory of the 12th of April.

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What is her present situation? The combined fleets of France, Spain, and Holland are dissipated; they no longer exist. I am not surprised to hear men advocate these wild opinions, to see them goaded on by a spirit of mercantile avarice, straining their feeble strength to excite the nation to war, when they have reached this stage of infatuation, that we are an over-match for Great Britain on the ocean. It is mere waste of time to reason with such persons. They do not deserve anything like serious refutation. The proper arguments for such statesmen are a strait waistcoat, a dark room, water-gruel, and depletion.

It has always appeared to me that there are three points to be considered, and maturely considered, before we can be prepared to vote for the resolution of the gentleman from Pennsylvania. First, our ability to contend with Great Britain for the question in dispute; second, the policy of such a contest; and third, in case both these shall be settled affirmatively, the manner in which we can with the greatest effect react upon and annoy our adversary.

Now the gentleman from Massachusetts [Mr. Crowninshield] has settled at a single sweep, to use one of his favorite expressions, not only that we are capable of contending with Great Britain on the ocean, but that we are actually her superior. Whence does the gentleman deduce this inference? Because truly at that time when Great Britain was not mistress of the ocean, when a North was her prime minister and a Sandwich the first lord of her admiralty; when she was governed by a counting-house administration, privateers of this country trespassed on her commerce. So too did the cruisers of Dunkirk. At that day Sufferin held the mastery of the Indian seas.

But what is the case now? Do gentlemen remember the

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capture of Cornwallis on land because De Grasse maintained the dominion of the ocean? To my mind no position is more clear than that if we go to war with Great Britain, Charleston and Boston, the Chesapeake and the Hudson, will be invested by British squadrons. Will you call on the Count de Grasse to relieve them? or shall we apply to Admiral Gravina, or Admiral Villeneuve, to raise the blockade?

But you have not only a prospect of gathering glory, and, what seems to the gentleman from Massachusetts much dearer, to profit by privateering, but you will be able to make a conquest of Canada and Nova Scotia. Indeed? Then, sir, we shall catch a Tartar. I confess, however, I have no desire to see the senators and the representatives of the Canadian French, or of the Tories and refugees of Nova Scotia, sitting on this floor, or that of the other House — to see them becoming members of the Union and participating equally in our political rights. And on what other principle would the gentleman from Massachusetts be for incorporating those provinces with us? Or on what other principle could it be done under the constitution? If the gentleman has no other bounty to offer us for going to war than the incorporation of Canada and Nova Scotia with the United States, I am for remaining at peace.

What is the question in dispute? The carrying trade. What part of it? The fair, the honest, and the useful trade that is engaged in carrying our own production to foreign markets and bringing back their productions in exchange? No, sir; it is that carrying trade which covers enemy's property and carries the coffee, the sugar, and other West India products to the mother country.

No, sir; if this great agricultural nation is to be governed by Salem and Boston, New York and Philadelphia, and Bal-

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timore and Norfolk and Charleston, let gentlemen come out and say so; and let a committee of public safety be appointed from those towns to carry on the government.

I, for one, will not mortgage my property and my liberty to carry on this trade. The nation said so seven years ago; I said so then, and I say so now. It is not for the honest carrying trade of America, but for this mushroom, this fungus of war, for a trade which, as soon as the nations of Europe are at peace, will no longer exist; it is for this that the spirit of avaricious traffic would plunge us into war.

I am forcibly struck on this occasion by the recollection of a remark made by one of the ablest, if not the honestest, ministers that England ever produced. I mean Sir Robert Walpole, who said that the country gentlemen, poor, meek souls! came up every year to be sheared; that they laid mute and patient whilst their fleeces were taking off; but that if he touched a single bristle of the commercial interest, the whole stye was in an uproar. It was indeed shearing the hog — "great cry and little wool."

But we are asked, are we willing to bend the neck to England; to submit to her outrages? No, sir; I answer that it will be time enough for us to tell gentlemen what we will do to vindicate the violation of our flag on the ocean when they shall have told us what they have done in resentment of the violation of the actual territory of the United States by Spain, the true territory of the United States, not your new-fangled country over the Mississippi, but the good old United States — part of Georgia, of the old thirteen States, where citizens have been taken, not from our ships, but from our actual territory.

When gentlemen have taken the padlock from our mouths I shall be ready to tell them what I will do relative to our dispute with Britain on the law of nations, on contraband, and such stuff.

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I have another objection to this course of proceeding.—Great Britain, when she sees it, will say the American people have great cause of dissatisfaction with Spain. She will see by the documents furnished by the President that Spain has outraged our territory, pirated upon our commerce, and imprisoned our citizens; and she will inquire what we have done. It is true, she will receive no answer; but she must know what we have not done. She will see that we have not repelled these outrages, nor made any addition to our army and navy, nor even classed the militia. No, sir; not one of our militia generals in politics has marshalled a single brigade.

Although I have said it would be time enough to answer the question which gentlemen have put to me when they shall have answered mine; yet, as I do not like long prorogations, I will give them an answer now. I will never consent to go to war for that which I cannot protect. I deem it no sacrifice of dignity to say to the Leviathan of the deep, We are unable to contend with you in your own element, but if you come within our actual limits we will shed our last drop of blood in their defence. In such an event I would feel, not reason; and obey an impulse which never has — which never can deceive me.

France is at war with England: suppose her power on the continent of Europe no greater than it is on the ocean. How would she make her enemy feel it? There would be a perfect non-conductor between them. So with the United States and England; she scarcely presents to us a vulnerable point. Her commerce is carried on, for the most part, in fleets; where in single ships, they are stout and well armed; very different from the state of her trade during the American war, when her merchantmen became the prey of paltry privateers. Great Britain has been too long at war with the three most powerful

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maritime nations of Europe not to have learnt how to protect her trade. She can afford convoy to it all; she has eight hundred ships in commission: the navies of her enemies are annihilated.

Thus this war has presented the new and curious political spectacle of a regular annual increase (and to an immense amount) of her imports and exports, and tonnage and revenue, and all the insignia of accumulating wealth, whilst in every former war, without exception, these have suffered a greater or less diminution. And wherefore?

Because she has driven France, Spain, and Holland from the ocean. Their marine is no more. I verily believe that ten English ships of the line would not decline a meeting with the combined fleets of those nations.

I forewarn the gentleman from Massachusetts, and his constituents of Salem, that all their golden hopes are vain. I forewarn them of the exposure of their trade beyond the Cape of Good Hope (or now doubling it) to capture and confiscation; of their unprotected seaport towns exposed to contribution or bombardment. Are we to be legislated into a war by a set of men who in six weeks after its commencement may be compelled to take refuge with us in the country?

And for what? a mere fungus — a mushroom production of war in Europe, which will disappear with the first return of peace — an unfair truce. For is there a man so credulous as to believe that we possess a capital not only equal to what may be called our own proper trade, but large enough also to transmit to the respective parent States the vast and wealthy products of the French, Spanish, and Dutch colonies? 'Tis beyond the belief of any rational being.

But this is not my only objection to entering upon this naval warfare. I am averse to a naval war with any nation

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whatever. I was opposed to the naval war of the last administration, and I am as ready to oppose a naval war of the present administration should they meditate such a measure. What! shall this great mammoth of the American forest leave his native element, and plunge into the water in a mad contest with the shark? Let him beware that his proboscis is not bitten off in the engagement. Let him stay on shore, and not be excited by the mussels and periwinkles on the strand, or political bears, in a boat to venture on the perils of the deep.

Gentlemen say, Will you not protect your violated rights? and I say, Why take to water, where you can neither fight nor swim? Look at France; see her vessels stealing from port to port on her own coast; and remember that she is the first military power of the earth, and as a naval people second only to England. Take away the British navy, and France to-morrow is the tyrant of the ocean.

This brings me to the second point. How far is it politic in the United States to throw their weight into the scale of France at this moment? — from whatever motive to aid the views of her gigantic ambition — to make her mistress of the sea and land — to jeopardize the liberties of mankind. Sir, you may help to crush Great Britain — you may assist in breaking down her naval dominion, but you cannot succeed to it. The iron sceptre of the ocean will pass into his hands who wears the iron crown of the land. You may then expect a new code of maritime law. Where will you look for redress?

I can tell the gentleman from Massachusetts that there is nothing in his rule of three that will save us, even although he should outdo himself and exceed the financial ingenuity which he so memorably displayed on a recent occasion. No, sir; let the battle of Actium be once fought, and the whole line

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of seacoast will be at the mercy of the conqueror. The Atlantic, deep and wide as it is, will prove just as good a barrier against his ambition, if directed against you, as the Mediterranean to the power of the Cæsars.

Do I mean, when I say so, to crouch to the invader? No, I will meet him at the water's edge, and fight every inch of ground from thence to the mountains, from the mountains to the Mississippi. But after tamely submitting to an outrage on your domicile, will you bully and look big at an insult on your flag three thousand miles off?

But, sir, I have yet a more cogent reason against going to war for the honor of the flag in the narrow seas, or any other maritime punctilio. It springs from my attachment to the principles of the government under which I live. I declare, in the face of day, that this government was not instituted for the purposes of offensive war. No; it was framed, to use its own language, for the common defence and the general welfare, which are inconsistent with offensive war.

I call that offensive war which goes out of our jurisdiction and limits for the attainment or protection of objects not within those limits and that jurisdiction. As in 1798 I was opposed to this species of warfare because I believed it would raze the constitution to the very foundation, so in 1806 am I opposed to it, and on the same grounds. No sooner do you put the constitution to this use — to a test which it is by no means calculated to endure, than its incompetency to such purposes becomes manifest and apparent to all. I fear, if you go into a foreign war for a circuitous unfair carrying trade, you will come out without your constitution. Have you not contractors enough in this House? Or do you want to be overrun and devoured by commissaries and all the vermin of contract?

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I fear, sir, that what are called the energy-men will rise up again — men who will burn the parchment. We shall be told that our government is too free; or, as they would say, weak and inefficient. Much virtue, sir, in terms. That we must give the President power to call forth the resources of the nation; that is, to filch the last shilling from our pockets — to drain the last drop of blood from our veins. I am against giving this power to any man, be he who he may. The American people must either withhold this power or resign their liberties.

There is no other alternative. Nothing but the most imperious necessity will justify such a grant. And is there a powerful enemy at our doors? You may begin with a first consul; from that chrysalis state he soon becomes an emperor. You have your choice. It depends upon your election whether you will be a free, happy, and united people at home, or the light of your executive majesty shall beam across the Atlantic in one general blaze of the public liberty.

For my part I never will go to war but in self-defence. I have no desire for conquests — no ambition to possess Nova Scotia — I hold the liberties of this people at a higher rate. Much more am I indisposed to war when among the first means for carrying it on I see gentlemen propose the confiscation of debts due by government to individuals. Does a *bona fide* creditor know who holds his paper? Dare any honest man ask himself the question? 'Tis hard to say whether such principles are more detestably dishonest than they are weak and foolish. What, sir; will you go about with proposals for opening a loan in one hand and a sponge for the national debt in the other?

If, on a late occasion, you could not borrow at a less rate of interest than eight per cent when the government avowed

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that they would pay to the last shilling of the public ability, at what price do you expect to raise money with an avowal of these nefarious opinions? God help you! if these are your ways and means for carrying on war — if your finances are in the hands of such a chancellor of the exchequer.

Because a man can take an observation and keep a log-book and a reckoning; can navigate a cock-boat to the West Indies, or the East; shall he aspire to navigate the great vessel of state — to stand at the helm of public councils? "*Ne sutor ultra crepidam.*"[1] What are you going to war for? For the carrying trade. Already you possess seven eighths of it. What is the object in dispute? The fair, honest trade, that exchanges the produce of our soil for foreign articles for home consumption? Not at all.

You are called upon to sacrifice this necessary branch of your navigation, and the great agricultural interest, whose handmaid it is, to jeopardize your best interests, for a circuitous commerce, for the fraudulent protection of belligerent property under your neutral flag. Will you be goaded by the dreaming calculations of insatiate avarice to stake your all for the protection of this trade? I do not speak of the probable effects of war on the price of our produce; severely as we must feel, we may scuffle through it. I speak of its reaction on the constitution.

You may go to war for this excrescence of the carrying trade, and make peace at the expense of the constitution. Your executive will lord it over you, and you must make the best terms with the conqueror that you can.

But the gentleman from Pennsylvania [Mr. Gregg] tells you that he is for acting in this, as in all things, uninfluenced by the opinion of any foreign minister whatever — foreign,

[1] "Let not the cobbler go beyond his last."

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or, I presume, domestic. On this head I am willing to meet the gentleman, am unwilling to be dictated to by any minister at home or abroad. Is he willing to act on the same independent footing? I have before protested, and I again protest, against secret, irresponsible, overruling influence. The first question I asked when I saw the gentleman's resolution was, "Is this a measure of the cabinet?" Not an open declared cabinet, but an invisible, inscrutable, unconstitutional cabinet — without responsibility, unknown to the constitution. I speak of back-stairs influence, of men who bring messages to this House, which, although they do not appear on the journals, govern its decisions. Sir, the first question that I asked on the subject of British relations was, what was the opinion of the cabinet? What measures will they recommend to Congress? — well knowing that whatever measures we might take they must execute them, and therefore that we should have their opinion on the subject — My answer was (and from a cabinet minister too), "There is no longer any cabinet." Subsequent circumstances, sir, have given me a personal knowledge of the fact. It needs no commentary.

But the gentleman has told you that we ought to go to war, if for nothing else, for the fur trade. Now, sir, the people on whose support he seems to calculate, follow, let me tell him, a better business; and let me add that whilst men are happy at home reaping their own fields, the fruits of their labor and industry, there is little danger of their being induced to go sixteen or seventeen hundred miles in pursuit of beavers, raccoons or opossums — much less of going to war for the privilege. They are better employed where they are.

This trade, sir, may be important to Britain, to nations who have exhausted every resource of industry at home — bowed

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down by taxation and wretchedness. Let them, in God's name, if they please, follow the fur trade. They may, for me, catch every beaver in North America. Yes, sir, our people have a better occupation — a safe, profitable, honorable employment.

Whilst they should be engaged in distant regions in hunting the beaver, they dread lest those whose natural prey they are should begin to hunt them — should pillage their property and assassinate their constitution. Instead of these wild schemes pay off your public debt, instead of prating about its confiscation. Do, not, I beseech you, expose at once your knavery and your folly. You have more lands than you know what to do with — you have lately paid fifteen millions for yet more. Go and work them — and cease to alarm the people with the cry of wolf until they become deaf to your voice or at least laugh at you.

Mr. Chairman, if I felt less regard for what I deem the best interests of this nation than for my own reputation I should not on this day have offered to address you; but would have waited to come out, bedecked with flowers and bouquets of rhetoric, in a set speech. But, sir, I dread lest a tone might be given to the mind of the committee — they will pardon me, but I did fear, from all that I could see or hear, that they might be prejudiced by its advocates (under pretence of protecting our commerce) in favor of this ridiculous and preposterous project — I rose, sir, for one, to plead guilty — to declare in the face of day that I will not go to war for this carrying trade. I will agree to pass for an idiot if this is not the public sentiment; and you will find it to your cost, begin the war when you will.

Gentlemen talk of 1793. They might as well go back to the Trojan war. What was your situation then? Then

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every heart beat high with sympathy for France — for republican France! I am not prepared to say, with my friend from Pennsylvania, that we were all ready to draw our swords in her cause, but I affirm that we were prepared to have gone great lengths.

I am not ashamed to pay this compliment to the hearts of the American people even at the expense of their understandings. It was a noble and generous sentiment, which nations, like individuals, are never the worse for having felt. They were, I repeat it, ready to make great sacrifices for France. And why ready? because she was fighting the battles of the human race against the combined enemies of their liberty; because she was performing the part which Great Britain now in fact sustains — forming the only bulwark against universal dominion. Knock away her navy, and where are you? Under the naval despotism of France, unchecked, unqualified by any antagonizing military power — at best but a change of masters. The tyrant of the ocean and the tyrant of the land is one and the same,— lord of all, and who shall say him nay, or wherefore doest thou this thing? Give to the tiger the properties of the shark, and there is no longer safety for the beasts of the forests or the fishes of the sea.

Where was this high anti-Britannic spirit of the gentleman from Pennsylvania when his vote would have put an end to the British treaty, that pestilent source of evil to this country? and at a time, too, when it was not less the interest than the sentiment of this people to pull down Great Britain and exalt France. Then, when the gentleman might have acted with effect, he could not screw his courage to the sticking place. Then England was combined in what has proved a feeble, inefficient coalition, but which gave just cause of alarm to

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every friend of freedom. Now, the liberties of the human race are threatened by a single power, more formidable than the coalesced world, to whose utmost ambition, vast as it is, the naval force of Great Britain forms the only obstacle.

I am perfectly sensible and ashamed of the trespass I am making on the patience of the committee; but as I know not whether it will be in my power to trouble them again on this subject I must beg leave to continue my crude and desultory observations. I am not ashamed to confess that they are so.

At the commencement of this session we received a printed message from the President of the United States, breathing a great deal of national honor and indication of the outrages we had endured, particularly from Spain. She was specially named and pointed at. She had pirated upon your commerce, imprisoned your citizens, violated your actual territory, invaded the very limits solemnly established between the two nations by the treaty of San Lorenzo.

Some of the State legislatures (among others the very State on which the gentleman from Pennsylvania relies for support) sent forward resolutions pledging their lives, their fortunes, and their sacred honor, in support of any measures you might take in vindication of your injured rights. Well, sir, what have you done? You have had resolutions laid upon your table — gone to some expense of printing and stationery — mere pen, ink, and paper, and that's all. Like true political quacks, you deal only in handbills and nostrums. Sir, I blush to see the record of our proceedings; they resemble but the advertisements of patent medicines. Here you have the "Worm-destroying Lozenges," there, "Church's Cough Drops,"— and, to crown the whole, "Sloan's Vegetable Specific," an infallible remedy for all nervous disorders and vertigoes of brain-sick politicians; each man earnestly adjuring

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you to give his medicine only a fair trial. If, indeed, these wonder-working nostrums could perform but one half of what they promise, there is little danger of our dying a political death, at this time at least. But, sir, in politics as in physic, the doctor is oft-times the most dangerous disease — and this I take to be our case at present.

But, sir, why do you talk of Spain? There are no longer Pyrenees. There exists no such nation — no such being as a Spanish king or minister. It is a mere juggle played off for the benefit of those who put the mechanism into motion. You know, sir, that you have no differences with Spain — that she is the passive tool of a superior power, to whom at this moment you are crouching. Are your differences indeed with Spain? And where are you going to send your political panacea (resolutions and handbills excepted), your sole arcanum of government — your king cure-all? To Madrid? No — you are not such quacks as not to know where the shoe pinches — to Paris. You know at least where the disease lies, and there apply your remedy. When the nation anxiously demands the result of your deliberations, you hang your heads and blush to tell. You are afraid to tell. Your mouth is hermetically sealed. Your honor has received a wound which must not take air. Gentlemen dare not come forward and avow their work, much less defend it in the presence of the nation. Give them all they ask, that Spain exists, and what then? After shrinking from the Spanish jackal, do you presume to bully the British lion?

But here it comes out. Britain is your rival in trade, and governed, as you are, by counting-house politicians: you would sacrifice the paramount interests of your country to wound that rival. For Spain and France you are carriers — and from customers every indignity is to be endured. And what

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is the nature of this trade? Is it that carrying trade which sends abroad the flour, tobacco, cotton, beef, pork, fish, and lumber of this country, and brings back in return foreign articles necessary for our existence or comfort?

No, sir; 'tis a trade carried on, the Lord knows where or by whom: now doubling Cape Horn, now the Cape of Good Hope. I do not say that there is no profit in it — for it would not then be pursued — but 'tis a trade that tends to assimilate our manners and government to those of the most corrupt countries of Europe. Yes, sir; and when a question of great national magnitude presents itself to you, causes those who now prate about national honor and spirit to pocket any insult, to consider it as a mere matter of debit and credit, a business of profit and loss, and nothing else.

The first thing that struck my mind when this resolution was laid on the table was, "*unde derivatur?*" a question always put to us at school — whence comes it? Is this only the putative father of the bantling he is taxed to maintain, or indeed the actual parent, the real progenitor of the child? or is it the production of the cabinet? But I knew you had no cabinet; no system. I had seen despatches relating to vital measures laid before you, the day after your final decision on those measures, four weeks after they were received; not only their contents, but their very existence, all that time, unsuspected and unknown to men, whom the people fondly believe assist, with their wisdom and experience, at every important deliberation.

Do you believe that this system, or rather this no system, will do? I am free to answer it will not. It cannot last. I am not so afraid of the fair, open, constitutional, responsible influence of government; but I shrink intuitively from this left-handed, invisible, irresponsible influence which defies the

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touch but pervades and decides everything. Let the executive come forward to the legislature; let us see whilst we feel it. If we cannot rely on its wisdom, is it any disparagement to the gentleman from Pennsylvania to say that I cannot rely upon him?

No, sir, he has mistaken his talent. He is not the Palinurus on whose skill the nation, at this trying moment, can repose their confidence. I will have nothing to do with this paper; much less will I indorse it and make myself responsible for its goodness. I will not put my name to it. I assert that there is no cabinet, no system, no plan. That which I believe in one place I shall never hesitate to say in another. This is no time, no place, for mincing our steps. The people have a right to know — they shall know — the state of their affairs, at least as far as I am at liberty to communicate them. I speak from personal knowledge. Ten days ago there had been no consultation; there existed no opinion in your executive department; at least, none that was avowed. On the contrary there was an express disavowal of any opinion whatsoever on the great subject before you; and I have good reason for saying that none has been formed since. Some time ago a book was laid on our tables, which like some other bantlings, did not bear the name of its father. Here I was taught to expect a solution of all doubts; an end to all our difficulties. If, sir, I were the foe, as I trust I am the friend, to this nation, I would exclaim, "Oh! that mine enemy would write a book."

At the very outset, in the very first page, I believe, there is a complete abandonment of the principle in dispute. Has any gentleman got the work? [It was handed by one of the members.] The first position taken is the broad principle of the unlimited freedom of trade between nations at peace,

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which the writer endeavors to extend to the trade between a neutral and a belligerent power; accompanied, however, by this acknowledgment:

"But, inasmuch as the trade of a neutral with a belligerent nation might, in certain special cases, affect the safety of its antagonist, usage, founded on the principle of necessity, has admitted a few exceptions to the general rule."

Whence comes the doctrine of contraband, blockade, and enemy's property? Now, sir, for what does that celebrated pamphlet, "War in Disguise," which is said to have been written under the eye of the British prime minister, contend, but this "principle of necessity." And this is abandoned by this pamphleteer at the very threshold of the discussion. But as if this were not enough he goes on to assign as a reason for not referring to the authority of the ancients, that "the great change which has taken place in the state of manners, in the maxims of war, and in the course of commerce, make it pretty certain "— (what degree of certainty is this?) — " that either nothing will be found relating to the question, or nothing sufficiently applicable to deserve attention in deciding it."

Here, sir, is an apology of the writer for not disclosing the whole extent of his learning (which might have overwhelmed the reader), in the admission that a change of circumstances ("in the course of commerce") has made, and therefore will now justify, a total change of the law of nations. What more could the most inveterate advocate of English usurpation demand? What else can they require to establish all and even more than they contend for? Sir, there is a class of men (we know them very well) who, if you only permit them to lay the foundation, will build you up, step by step, and brick by brick — very neat and showy if not tenable arguments. To detect them, 'tis only necessary to watch their premises,

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where you will often find the point at issue totally surrendered, as in this case it is. Again: is the "*mare liberum*" anywhere asserted in this book — that free ships make free goods?

No, sir; the right of search is acknowledged; that enemy's property is lawful prize, is sealed and delivered. And after abandoning these principles, what becomes of the doctrine that a mere shifting of the goods from one ship to another, the touching at another port, changes the property? Sir, give up this principle, and there is an end to the question. You lie at the mercy of the conscience of a court of admiralty.

Is Spanish sugar or French coffee made American property by the mere change of the cargo, or even by the landing and payment of the duties? Does this operation effect a change of property? And when those duties are drawn back, and the sugars and coffee re-exported, are they not, as enemy's property, liable to seizure upon the principles of the "examination of the British doctrine," etc. And is there not the best reason to believe that this operation is performed in many if not in most cases, to give a neutral aspect and color to the merchandise?

I am prepared, sir, to be represented as willing to surrender important rights of this nation to a foreign government. I have been told that this sentiment is already whispered in the dark by time-servers and sycophants; but if your clerk dared to print them I would appeal to your journals! — I would call for the reading of them; but that I know they are not for profane eyes to look upon. I confess that I am more ready to surrender to a naval power a square league of ocean than to a territorial one a square inch of land within our limits; and I am ready to meet the friends of the resolution on this ground at any time.

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Let them take off the injunction of secrecy. They dare not. They are ashamed and afraid to do it. They may give winks and nods and pretend to be wise, but they dare not come out and tell the nation what they have done.

Gentlemen may take notes if they please; but I will never, from any motives short of self-defence, enter upon war. I will never be instrumental to the ambitious schemes of Bonaparte, nor put into his hands what will enable him to wield the world; and on the very principle that I wished success to the French arms in 1793. And wherefore? Because the case is changed. Great Britain can never again see the year 1760. Her Continental influence is gone forever. Let who will be uppermost on the continent of Europe, she must find more than a counterpoise for her strength. Her race is run. She can only be formidable as a maritime power; and even as such perhaps not long. Are you going to justify the acts of the last administration, for which they have been deprived of the government, at our instance? Are you going back to the ground of 1798-9?

I ask of any man who now advocates a rupture with England to assign a single reason for his opinion, that would not have justified a French war in 1798. If injury and insult abroad would have justified it, we had them in abundance then. But what did the republicans say at that day? That under the cover of a war with France the executive would be armed with a patronage and power which might enable it to master our liberties. They deprecated foreign war and navies, and standing armies, and loans, and taxes. The delirium passed away, the good sense of the people triumphed, and our differences were accommodated without a war. And what is there in the situation of England that invites to war with her? 'Tis true she does not deal so largely in perfecti-

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bility, but she supplies you with a much more useful commodity — with coarse woollens. With less professions indeed she occupies the place of France in 1793. She is the sole bulwark of the human race against universal dominion. No thanks to her for it. In protecting her own existence she ensures theirs. I care not who stands in this situation, whether England or Bonaparte; I practise the doctrines now that I professed in 1798.

Gentlemen may hunt up the journals if they please — I voted against all such projects under the administration of John Adams, and I will continue to do so under that of Thomas Jefferson. Are you not contented with being free and happy at home? Or will you surrender these blessings, that your merchants may tread on Turkish and Persian carpets and burn the perfumes of the East in their vaulted rooms?

Gentlemen say, 'tis but an annual million lost, and even if it were five times that amount what is it compared with your neutral rights? Sir, let me tell them a hundred millions will be but a drop in the bucket if once they launch without rudder or compass into this ocean of foreign warfare. Whom do they want to attack — England? They hope it is a popular thing, and talk about Bunker's Hill and the gallant feats of our revolution. But is Bunker's Hill to be the theatre of war? No, sir, you have selected the ocean; and the object of attack is that very navy which prevented the combined fleets of France and Spain from levying contributions upon you in your own seas; that very navy which in the famous war of 1798 stood between you and danger.

Whilst the fleets of the enemy were pent up in Toulon or pinioned in Brest we performed wonders, to be sure; but, sir, if England had drawn off, France would have told you quite a

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different tale. You would have struck no medals. This is not the sort of conflict that you are to count upon if you go to war with Great Britain.

"*Quem Deus vult perdere prius dementat.*"[1] And are you mad enough to take up the cudgels that have been struck from the nerveless hands of the three great maritime powers of Europe? Shall the planter mortgage his little crop and jeopardize the constitution in support of commercial monopoly, in the vain hope of satisfying the insatiable greediness of trade? Administer the constitution upon principles for the general welfare, and not for the benefit of any particular class of men. Do you meditate war for the possession of Baton Rouge or Mobile, places which your own laws declare to be within your limits? Is it even for the fair trade that exchanges your surplus products for such foreign articles as you require? No, sir, 'tis for a circuitous traffic — an *ignis fatuus*.

And against whom? A nation from whom you have anything to fear? I speak as to our liberties. No, sir, with a nation from whom you have nothing, or next to nothing, to fear — to the aggrandizement of one against which you have everything to dread. I look to their ability and interest, not to their disposition. When you rely on that, the case is desperate. Is it to be inferred from all this that I would yield to Great Britain? No; I would act towards her now as I was disposed to do towards France in 1798-9 — treat with her; and for the same reason, on the same principles. Do I say treat with her? At this moment you have a negotiation pending with her government. With her you have not tried negotiation and failed, totally failed, as you have done with Spain, or rather France. And wherefore, under such cir-

[1] Whom God wishes to destroy he first makes mad.

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cumstances, this hostile spirit to the one, and this — I won't say what — to the other?

But a great deal is said about the laws of nations. What is national law but national power guided by national interest? You yourselves acknowledge and practise upon this principle where you can, or where you dare,—with the Indian tribes, for instance. I might give another and more forcible illustration. Will the learned lumber of your libraries add a ship to your fleet or a shilling to your revenue? Will it pay or maintain a single soldier? And will you preach and prate of violations of your neutral rights when you tamely and meanly submit to the violation of your territory? Will you collar the stealer of your sheep, and let him escape that has invaded the repose of your fireside; has insulted your wife and children under your own roof?

This is the heroism of truck and traffic — the public spirit of sordid avarice. Great Britain violates your flag on the high seas. What is her situation? Contending, not for the dismantling of Dunkirk, for Quebec, or Pondicherry, but for London and Westminster—for life. Her enemy violating at will the territories of other nations — acquiring thereby a colossal power that threatens the very existence of her rival. But she has one vulnerable point to the arms of her adversary which she covers with the ensigns of neutrality. She draws the neutral flag over the heel of Achilles. And can you ask that adversary to respect it at the expense of her existence? And in favor of whom? — an enemy that respects no neutral territory of Europe, and not even your own? I repeat that the insults of Spain towards this nation have been at the instigation of France; that there is no longer any Spain. Well, sir, because the French government do not put this into the "Moniteur," you choose to shut your eyes to it. None so blind

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as those who will not see. You shut your own eyes, and to blind those of other people you go into conclave and slink out again and say — "a great affair of State!" — *C'est une grande affaire d'État!*

It seems that your sensibility is entirely confined to the extremities. You may be pulled by the nose and ears, and never feel it; but let your strong-box be attacked, and you are all nerve — "Let us go to war!" Sir, if they called upon me only for my little *peculium* to carry it on, perhaps I might give it: but my rights and liberties are involved in the grant, and I will never surrender them whilst I have life.

The gentleman from Massachusetts [Mr. Crowninshield] is for sponging the debt. I can never consent to it. I will never bring the ways and means of fraudulent bankruptcy into your committee of supply. Confiscation and swindling shall never be found among my estimates, to meet the current expenditure of peace or war. No, sir. I have said with the doors closed, and I say so when they are open, "Pay the public debt." Get rid of that dead weight upon your government, that cramp upon all your measures, and then you may put the world at defiance.

So long as it hangs upon you, you must have revenue, and to have revenue you must have commerce — commerce, peace. And shall these nefarious schemes be advised for lightening the public burdens? will you resort to these low and pitiful shifts? will you dare even to mention these dishonest artifices to eke out your expenses when the public treasure is lavished on Turks and infidels; on singing boys, and dancing girls; to furnish the means of bestiality to an African barbarian?

Gentlemen say that Great Britain will count upon our divisions. How! What does she know of them? Can they

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ever expect greater unanimity than prevailed at the last Presidential election? No, sir, 'tis the gentleman's own conscience that squeaks. But if she cannot calculate upon your divisions, at least she may reckon upon your pusillanimity. She may well despise the resentment that cannot be excited to honorable battle on its own ground — the mere effusion of mercantile cupidity.

Gentlemen talk of repealing the British treaty. The gentleman from Pennsylvania should have thought of that before he voted to carry it into effect. And what is all this for? A point which Great Britain will not abandon to Russia you expect her to yield to you. Russia indisputably the second power of continental Europe, with half a million of hardy troops, with sixty sail of the line, thirty millions of subjects, a territory more extensive even than our own — Russia, sir, the storehouse of the British navy — whom it is not more the policy and the interest than the sentiment of that government to soothe and to conciliate; her sole hope of a diversion on the Continent — her only efficient ally. What this formidable power cannot obtain with fleets and armies you will command by writ — with pot-hooks and hangers.

I am for no such policy. True honor is always the same. Before you enter into a contest, public or private, be sure you have fortitude enough to go through with it. If you mean war, say so, and prepare for it.

Look on the other side — behold the respect in which France holds neutral rights on land — observe her conduct in regard to the Franconian estates of the King of Prussia: I say nothing of the petty powers — of the Elector of Baden, or of the Swiss: I speak of a first-rate monarchy of Europe, and at a moment too when its neutrality was the object of all others nearest to the heart of the French Emperor. If you make

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him monarch of the ocean you may bid adieu to it forever.

You may take your leave, sir, of navigation — even of the Mississippi. What is the situation of New Orleans if attacked to-morrow? Filled with a discontented and repining people, whose language, manners, and religion all incline them to the invader— a dissatisfied people, who despise the miserable governor you have set over them — whose honest prejudices and basest passions alike take part against you. I draw my information from no dubious source — from a native American, an enlightened member of that odious and imbecile government. You have official information that the town and its dependencies are utterly defenceless and untenable — a firm belief that, apprised of this, government would do something to put the place in a state of security, alone has kept theAmerican portion of that community quiet. You have held that post — you now hold it — by the tenure of the naval predominance of England, and yet you are for a British naval war.

There are now two great commercial nations. Great Britain is one — we are the other. When you consider the many points of contact between your interests, you may be surprised that there has been so little collision. Sir, to the other belligerent nations of Europe your navigation is a convenience, I might say a necessary. If you do not carry for them they must starve, at least for the luxuries of life, which custom has rendered almost indispensable. And if you cannot act with some degree of spirit towards those who are dependent upon you as carriers, do you reckon to browbeat a jealous rival who, the moment she lets slip the dogs of war, sweeps you, at a blow, from the ocean? And *cui bono?* for whose benefit? — The planter? Nothing like it. The fair, honest, real

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American merchant? No, sir — for renegadoes; to-day American — to-morrow, Danes. Go to war when you will, the property now covered by the American will then pass under the Danish or some other neutral flag. Gentlemen say that one English ship is worth three of ours: we shall therefore have the advantage in privateering. Did they ever know a nation get rich by privateering?

This is stuff for the nursery. Remember that your products are bulky — as has been stated — that they require a vast tonnage. Take these carriers out of the market — what is the result? The manufactures of England, which (to use a finishing touch of the gentleman's rhetoric) have received the finishing stroke of art, lie in a small comparative compass. The neutral trade can carry them. Your produce rots in the warehouse — you go to Statia or St. Thomas's, and get a striped blanket for a joe, if you can raise one — double freight, charges, and commissions. Who receives the profit? — The carrier. Who pays it? — The consumer.

All your produce that finds its way to England must bear the same accumulated charges, with this difference: that there the burden falls on the home price. I appeal to the experience of the last war, which has been so often cited. What, then, was the price of produce and of broadcloth?

But you are told England will not make war — she has her hands full. Holland calculated in the same way in 1781. How did it turn out? You stand now in the place of Holland, then — without her navy, unaided by the preponderating fleets of France and Spain, to say nothing of the Baltic powers. Do you want to take up the cudgels where these great maritime powers have been forced to drop them? to meet Great Britain on the ocean and drive her off its face? If you are so far gone as this, every capital measure of your

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policy has hitherto been wrong. You should have nurtured the old and devised new systems of taxation — have cherished your navy. Begin this business when you may, land taxes, stamp acts, window taxes, hearth money, excise, in all its modifications of vexation and oppression, must precede or follow after.

But, sir, as French is the fashion of the day, I may be asked for my *projet*. I can readily tell gentlemen what I will not do. I will not propitiate any foreign nation with money. I will not launch into a naval war with Great Britain, although I am ready to meet her at the Cow-pens or Bunker's Hill. And for this plain reason.

We are a great land animal, and our business is on shore. I will send her no money, sir, on any pretext whatsoever, much less on pretence of buying Labrador or Botany Bay, when my real object was to secure limits which she formally acknowledged at the peace of 1783. I go further — I would (if anything) have laid an embargo. This would have got our own property home and our adversary's into our power. If there is any wisdom left among us the first step toward hostility will always be an embargo. In six months all your mercantile megrims would vanish. As to us, although it would cut deep, we can stand it. Without such a precaution, go to war when you will, you go to the wall. As to debts, strike the balance to-morrow, and England is, I believe, in our debt.

I hope, sir, to be excused for proceeding in this desultory course. I flatter myself I shall not have occasion again to trouble you — I know not that I shall be able — certainly not willing, unless provoked in self-defence. I ask your attention to the character of the inhabitants of that southern country on whom gentlemen rely for the support of their

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measure. Who and what are they? A simple agricultural people, accustomed to travel in peace to market with the produce of their labor. Who takes it from us?

Another people devoted to manufactures — our sole source of supply. I have seen some stuff in the newspapers about manufactures in Saxony, and about a man who is no longer the chief of a dominant faction. The greatest man whom I ever knew — the immortal author of the letters of Curtius — has remarked the proneness of cunning people to wrap up and disguise, in well-selected phrases, doctrines too deformed and detestable to bear exposure in naked words; by a judicious choice of epithets to draw the attention from the lurking principle beneath and perpetuate delusion. But a little while ago, and any man might be proud to be considered as the head of the republican party. Now, it seems, 'tis reproachful to be deemed the chief of a dominant faction.

Mark the magic words! Head, chief. Republican party, dominant faction. But as to these Saxon manufactures. What became of their Dresden china? Why, the Prussian bayonets have broken all the pots, and you are content with Worcestershire or Staffordshire ware. There are some other fine manufactures on the Continent, but no supply, except, perhaps, of linens, the article we can best dispense with. A few individuals, sir, may have a coat of Louviers cloth, or a service of Sèvres china; but there is too little, and that little too dear, to furnish the nation. You must depend on the fur trade in earnest, and wear buffalo hides and bear skins.

Can any man who understands Europe pretend to say that a particular foreign policy is now right because it would have been expedient twenty or even ten years ago, without abandoning all regard for common sense? Sir, it is the states-

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man's province to be guided by circumstances, to anticipate, to foresee them, to give them a course and a direction, to mold them to his purpose.

It is the business of a counting-house clerk to peer into the day-book and ledger, to see no further than the spectacles on his nose, to feel not beyond the pen behind his ear, to chatter in coffee-houses, and be the oracle of clubs. From 1783 to 1793, and even later (I don't stickle for dates), France had a formidable marine — so had Holland — so had Spain. The two first possessed thriving manufactures and a flourishing commerce. Great Britain, tremblingly alive to her manufacturing interests and carrying trade, would have felt to the heart any measure calculated to favor her rivals in these pursuits; she would have yielded then to her fears and her jealousy alone.

What is the case now? She lays an export duty on her manufactures, and there ends the question. If Georgia shall (from whatever cause) so completely monopolize the culture of cotton as to be able to lay an export duty of three per cent upon it, besides taxing its cultivators in every other shape that human or infernal ingenuity can devise, is Pennsylvania likely to rival her or take away the trade?

But, sir, it seems that we who are opposed to this resolution are men of no nerves — who trembled in the days of the British treaty — cowards (I presume) in the reign of terror! Is this true? Hunt up the journals; let our actions tell. We pursue our unshaken course. We care not for the nations of Europe, but make foreign relations bend to our political principles and subserve our country's interest. We have no wish to see another Actium, or Pharsalia, or the lieutenants of a modern Alexander playing at piquet or all-fours for the empire of the world. 'Tis poor comfort to us to be told

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that France has too decided a taste for luxurious things to meddle with us; that Egypt is her object, or the coast of Barbary, and at the worst we shall be the last devoured.

We are enamored with neither nation — we would play their own game upon them, use them for our interest and convenience. But with all my abhorrence of the British government I should not hesitate between Westminster Hall and a Middlesex jury on the one hand, and the wood of Vincennes and a file of grenadiers, on the other. That jury trial which walked with Horne Tooke and Hardy through the flames of ministerial persecution is, I confess, more to my taste than the trial of the Duke d'Enghien.

Mr. Chairman, I am sensible of having detained the committee longer than I ought — certainly much longer than I intended. I am equally sensible of their politeness, and not less so, sir, of your patient attention. It is your own indulgence, sir, badly requited indeed, to which you owe this persecution. I might offer another apology for these undigested, desultory remarks; my never having seen the treasury documents. Until I came into the House this morning I have been stretched on a sick bed.

But when I behold the affairs of this nation, instead of being where I hoped, and the people believed they were, in the hands of responsible men, committed to Tom, Dick, and Harry — to the refuse of the retail trade of politics — I do feel, I cannot help feeling, the most deep and serious concern. If the executive government would step forward and say, "Such is our plan, such is our opinion, and such are our reasons in support of it," I would meet it fairly, would openly oppose or pledge myself to support it. But without compass or polar star I will not launch into an ocean of unexplored measures which stand condemned by all the information to

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which I have access. The constitution of the United States declares it to be the province and duty of the President "to give to Congress, from time to time, information of the state of the Union, and recommend to their consideration such measures as he shall judge expedient and necessary." Has he done it? I know, sir, that we may say, and do say, that we are independent (would it were true); as free to give a direction to the executive as to receive it from him. But do what you will, foreign relations — every measure short of war, and even the course of hostilities — depend upon him. He stands at the helm and must guide the vessel of state.

You give him money to buy Florida and he purchases Louisiana. You may furnish means — the application of those means rests with him. Let not the master and mate go below when the ship is in distress, and throw the responsibility upon the cook and the cabin-boy. I said so when your doors were shut: I scorn to say less now that they are open. Gentlemen may say what they please. They may put an insignificant individual to the ban of the Republic; I shall not alter my course. I blush with indignation at the misrepresentations which have gone forth in the public prints of our proceedings, public and private. Are the people of the United States, the real sovereigns of the country, unworthy of knowing what, there is too much reason to believe, has been communicated to the privileged spies of foreign governments?

I think our citizens just as well entitled to know what has passed as the Marquis Yrujo, who has bearded your President to his face, insulted your government within its own peculiar jurisdiction, and outraged all decency. Do you mistake this diplomatic puppet for an automaton? He has

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orders for all he does. Take his instructions from his pocket to-morrow, they are signed "Charles Maurice Talleyrand."

Let the nation know what they have to depend upon. Be true to them, and trust me, they will prove true to themselves and to you. The people are honest; now at home at their plows, not dreaming of what you are about. But the spirit of inquiry that has too long slept will be, must be, awakened. Let them begin to think; not to say such things are proper because they have been done, but, what has been done? and wherefore? — and all will be right.

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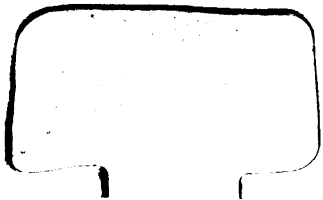

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